URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1997

AGENDA
PLANNING AND DEVELOPMENT COMMITTEE

MAY 7, 1997 ...

URBAN\MUNICIPAL
CA4 ON HBL A05
C51P4
1997



Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

URBAN MUNICIPAL

MAY 6 1997

GOVERNMENT DOCUMENTS

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1997 May 7
9:30 o'clock a.m.
Room 233, City Hall

T Agnello

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 97-10, by Frank Mulas Construction Ltd., DiCenzo Construction and Sunshine Construction Inc., owners, for lands located west of Omni Boulevard, south of Upper Horning Road and north of Stone Church Road West.

2. **ALDERMAN WM. MCCULLOCH- DELEGATION**

   Fearman Street - Stinson Street (no report)

3. **DIRECTOR OF PLANNING AND DEVELOPMENT**

   a) Rental Housing Protection Act Application CD-96-004, 222 Gage Avenue South. (Previously Tabled)

   b) Authorization for Staff Attendance at an Ontario Municipal Board Hearing - Severance of the Canadian National Railway lands, north of Barton Street West, east of Crooks Street.

PLANNING AND DEVELOPMENT COMMITTEE
Wednesday, 1997 May 7

4. BUILDING COMMISSIONER

293 Tragina Avenue North- Demolition

5. FOR DISCUSSION- DIRECTOR OF PLANNING AND DEVELOPMENT

Mobile Sign Working Committee

6. CONSENT AGENDA

7. PRIVATE AND CONFIDENTIAL AGENDA

8. OTHER BUSINESS

9. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
2.	Rehabilitation Loan Programs	1996 June 25 (Council)	Review to be conducted by staff	Recommendation from Building Commissioner to Cttee by 1996 Nov. 1
3.	Mobile Sign By-law	1996 July 3 and 1997 February 11	Two reviews to be conducted three months and six months after the passing of the Mobile Sign bylaw on 1997 February 11	*Industry and Staff Committee To report back in one year (by July 3 1997) *Staff Report to be brought back in 6 mos (by August 11 1997) *Report back in 3 mos (by May 11 1997) re: actual recovery costs for the implementation and enforcement of the bylaw as well as a review of permit fees for businesses and licencing for operators
4.	Bringing responsibility for administration of Subdivisions, Condominium Control and Part Lot Control to the City from the Region	1996 July 3	Building Commissioner to Draft Report	Report Forthcoming
5.	Correspondence : CAPIC support for Establishment of a Downtown Neighbourhood	1996 October 23	Referred to Planning Staff for report	Report Forthcoming
6.	ZA-96-11, 73 Garfield Avenue South	1996 November 20	Ward Alderman, residents and applicant to meet	Tabled to 1997 January
7.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and Incineration as a use regarding Hamilton Harbour Commission Lands	Report Forthcoming
8.	Front yard Parking and 50% greenspace provision	1997 March 5	Staff report on the enforcement of the provision	Report forthcoming
9.	ZA-97-02, 310 Limeridge Road West	1997 March 19	Alternate Uses for the property to be investigated	Tabled. To be brought back on 1997 May 21
10.	ZA-97-06, 216 Wilson Street	1997 April 2	Tabled upon request of the Applicant	Tabled
11.	RHPA application CD-96-004, 222 Gage Avenue South	1997 April 2	Ward Aldermen to meet with applicant and residents	Tabled for 1 month

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
12.	"K" Zoned Lands	1997 April 2	Planning Dept. to report back on the impact of Removing "Waste Processing" from "K" zoning in the City on departmental Priorities and work Schedules	Report pending
13.	Student Housing and Garage conversion at 189 Cline Avenue South	1997 April 2	a) Building Commissioner to report back on the City of Guelph's By-Law pertaining to Lodging Homes; and,	Reports Pending
			b) Building Commissioner and City Solicitor to report back on the issue of the Garage conversion at 189 Cline Ave. S.	
14.	RHPA application CD-96-005, 155 Market Street	1997 April 23	Applicant to meet with residents in order to address their concerns	Tabled for 2 months
15.	ZA-97-07, Irregular Parcel of Land West of Upper Kenilworth Ave. and south of Racalmuto Street	1997 April 23	Tabled for future development Plans	Report Pending
16.	Correspondence from Grant Howell of Simpson, Wigle Solicitors re:97 Frid Street	1997 April 23	City Solicitor to prepare an information report	Report Forthcoming
17.	Demolition of 3 Dexter Avenue	1997 April 23	Tabled at the Request of Ald. Eisenberger	Tabled

1997 April 30

1.

CITY OF HAMILTON

- RECOMMENDATION -

APR 3 0 1997

DATE: 1997 April 30
ZAC-97-10
Gurnett Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning - Lands located west of Omni Boulevard, south of Upper Horning Road and north of Stone Church Road West.

RECOMMENDATION:

(a) That approval be given to amended Zoning Application ZAC-97-10, **Frank Mulas Construction Ltd., DiCenzo Construction and Sunshine Construction Inc., owners,** requesting changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc) District (Blocks "1" and "2") and from "D" (Urban Protected Residential - One and Two Family Dwellings, etc) District to "C" (Urban Protected Residential, etc) District (Blocks "3" and "4") for property located west of Omni Boulevard, south of Upper Horning Road and north of Stone Church Road West as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That Blocks "1" and "2" be rezoned from (Agricultural) District to "C" (Urban Protected Residential, etc) District; and,

(ii) That Blocks "3" and "4" be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings, etc) District to "C" (Urban Protected Residential, etc) District;

(iii) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands shown as Blocks "2" and "4", be modified to include the following variance, as a special requirement:

1) Notwithstanding Section 9.(3)(i) of Zoning By-law No. 6593, the minimum front yard shall be provided and maintained in accordance with the attached Schedule "B";

(iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Map W-9B be notated S - ;

(v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37C for presentation to City Council;

(vi) That upon finalization of the zoning by-law the approved Gurnett Neighbourhood Plan be amended to redesignate the subject lands from "Attached Housing" to "Single and Double Residential".

(vii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for changes in zoning for property located west of Omni Boulevard, south of Upper Horning Road and north of Stone Church Road West, as shown on the attached key map on the following basis:

Block "1" - from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc) District; and,

Block "2" - from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc) District, modified; and,

Block "3" - from "D" (Urban Protected Residential - One and Two Family Dwellings, etc) District to "C" (Urban Protected Residential, etc) District.

Block "4" - from "D" (Urban Protected Residential - One and Two Family Dwellings, etc) District to "C" (Urban Protected Residential, etc) District, modified.

The effect of the By-law is to permit the development of the subject lands for 11 single family dwellings.

In addition, the By-law requires a gradation in front yard setbacks from 12.8 m along the westerly limits of Blocks "2" and "4" to 7.3 m whereas the provisions of the Zoning By-law require a front yard setback of 6.0 m be provided and maintained.

Joanne Hickey-Evans

J. D. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Consent Applications B-97:14-18

The Committee of Adjustment, at its meeting of April 16, 1997, approved Consent Applications B-97:14-18. The applications were to create 11 lots. The applications were approved subject to the applicant receiving final approval of a Zoning By-law to rezone the subject lands from "AA" (Agricultural) District and from "D" (Urban Protected Residential - One and Two Family Dwellings, etc) District to "C" (Urban Protected Residential, etc) District.

APPLICANTS:

Frank Mulas Construction Ltd., DiCenzo Construction and Sunshine Construction Inc., owners.

AGENT:

Planning Initiatives.

LOT SIZE AND AREA:

- 116.15 m of lot width;
- 60.31 m of lot depth; and
- 6,825 m^2 of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant lands	"AA" (Agricultural) District and "D" (Urban Protected Residential - One and Two Family Dwellings, etc) District

Surrounding Land Use

to the north	Residential	"C" (Urban Protected Residential, etc.) District and "D" (Urban Protected Residential - One and Two Family Dwellings, etc)
to the south	Vacant Lands	N/A (Town of Ancaster)
to the east	Single Detached Dwellings and vacant lands	"C" (Urban Protected Residential, etc.) District
to the west	Vacant lands	"AA" (Agricultural) District, "D" (Urban Protected Residential - One and Two Family Dwellings, etc) District and "B" (Suburban Agriculture and Residential, etc.) District

OFFICIAL PLAN:

The lands are designated **Residential** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan. The proposed changes in zoning comply with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Attached Housing" in the Gurnett Neighbourhood Plan. A neighbourhood plan amendment is required to redesignate the subject lands from "Attached Housing" to "Single & Double" Residential.

COMMENTS RECEIVED:

- The Building Department has no comment on the proposed changes in zoning.

- The Traffic Division, Department of Public Works and Traffic has advised that:

  "The applicant should be advised that no access will be permitted onto Stone Church Road West and through the daylight triangle."

- The Regional Environment Department, has advised that:

"There are public watermains and separate storm and sanitary sewers available to service the subject development. The owner should be advised that no sewer connections will be permitted to the sewers on Stone Church Road.

The Region's Transportation Department, Roads Division have the following comments with respect to this application.

In conjunction with this application, the owners have also submitted Land Severance Applications B-97:14 to B-97:18 inclusive to the City of Hamilton Committee of Adjustment from this Office and the conditions of severance approval, as noted below, are applicable to this rezoning application.

(1) In order to prohibit access from Stone Church Road, we recommend that as a condition of approval that a 0.30 m reserve be dedicated to the Region adjacent to the entire frontage on Stone Church Road and along the widened limits of the daylight triangle. We also recommend that a 0.30 m reserve adjacent to Stone Church located on the Town of Ancaster and owned by Mr. Mulas be dedicated to the Region to prevent access to Stone Church Road in this area also.

(2) As a condition of development approval, a 12.19 m b 12.19 m daylight triangle at the north west corner of Stone Church Road and Omni Boulevard be dedicated to the Region of Hamilton-Wentworth for road widening purposes.

(3) Access to the lot at the corner of Stone Church Road and Omni Boulevard must be located at the northerly portion of the lot.

(4) It is unclear whether all the lands owned by the City and previous road allowances have been closed and transferred to the owners. As a condition of approval we recommend that the applicant/owners receive title from the City of Hamilton to all lands running through these properties that were previously designated as road allowances by the City of Hamilton.

(5) The applicant/owner pay all outstanding servicing costs to the City/Region in order that the 0.30 m reserve can be lifted on Omni Boulevard. The applicant/owner is responsible for preparing the required survey plan to identify the 0.30 m reserve to be lifted. Once the costs have been recovered and the survey plan prepared, the City will take the required steps to incorporate these lands into the public highway.

(6) Since it is the applicant's intention to retain a large lot adjacent to Stone Church Road, it may be appropriate to zone these lands for a large lot instead of the "C" zone to discourage the possibility of future attempts for severances on Stone

Church Road.

(7) Comments from the Town of Ancaster should be considered since a portion of the applicant's lands are located on their municipality and a portion of a road allowance also extends into the Town of Ancaster.

(8) For the information of the applicant/owner, the removal ad replacement of any street trees required for access purposes to Omni Boulevard or Upper Horning Road must be approved by the Forestry Section of the City of Hamilton Department of Public Works and Traffic. All costs associated with the removal and replacement of these trees are the sole responsibility of the applicant/owner."

- The Hamilton Region Conservation Authority has no objection to the approval of the application.

- The Regional Environment Department, Planning Division advised that the proposal conforms with the Hamilton-Wentworth Official Plan.

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

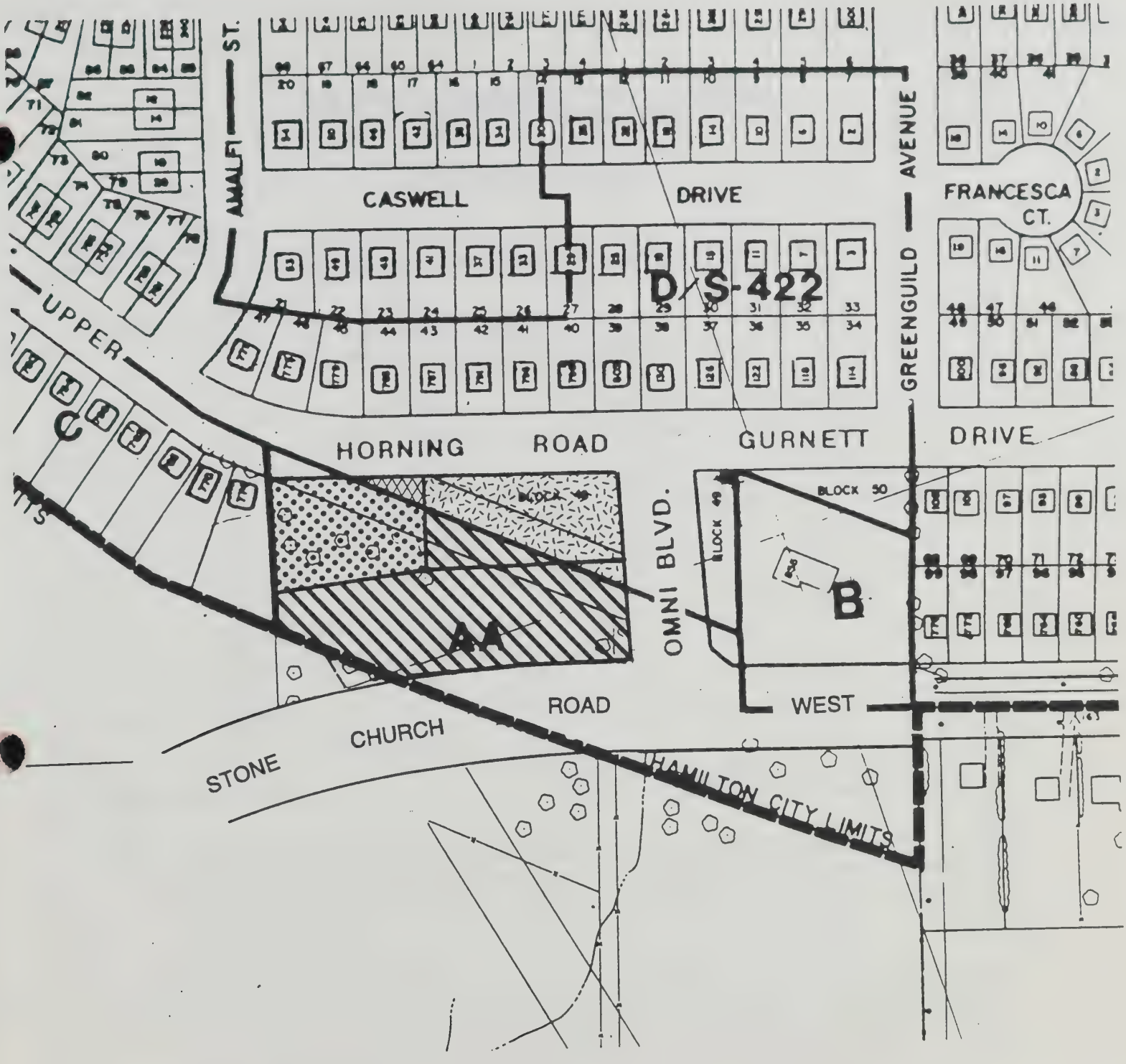
2. The proposal has merit and can be supported in that it would be compatible with existing and future planned residential uses.

3. In order that the new development is compatible with the existing development on the south side of Upper Horning Road, the implementing zoning by-law should require the new dwellings to be "stepped-back" from Upper Horning Road. This setback is desirable since there is a 4.0 m jog in the road allowance at the westerly limits of the subject lands and the adjacent dwelling (774 Upper Horning Road) (see APPENDIX "B"). The increased front yard setback will ensure the location of the front facades of the new dwellings will be compatible with the existing dwellings.

CONCLUSION:

Based on the foregoing, the application can be supported.

SR/sr
ZA-97-10.RPT



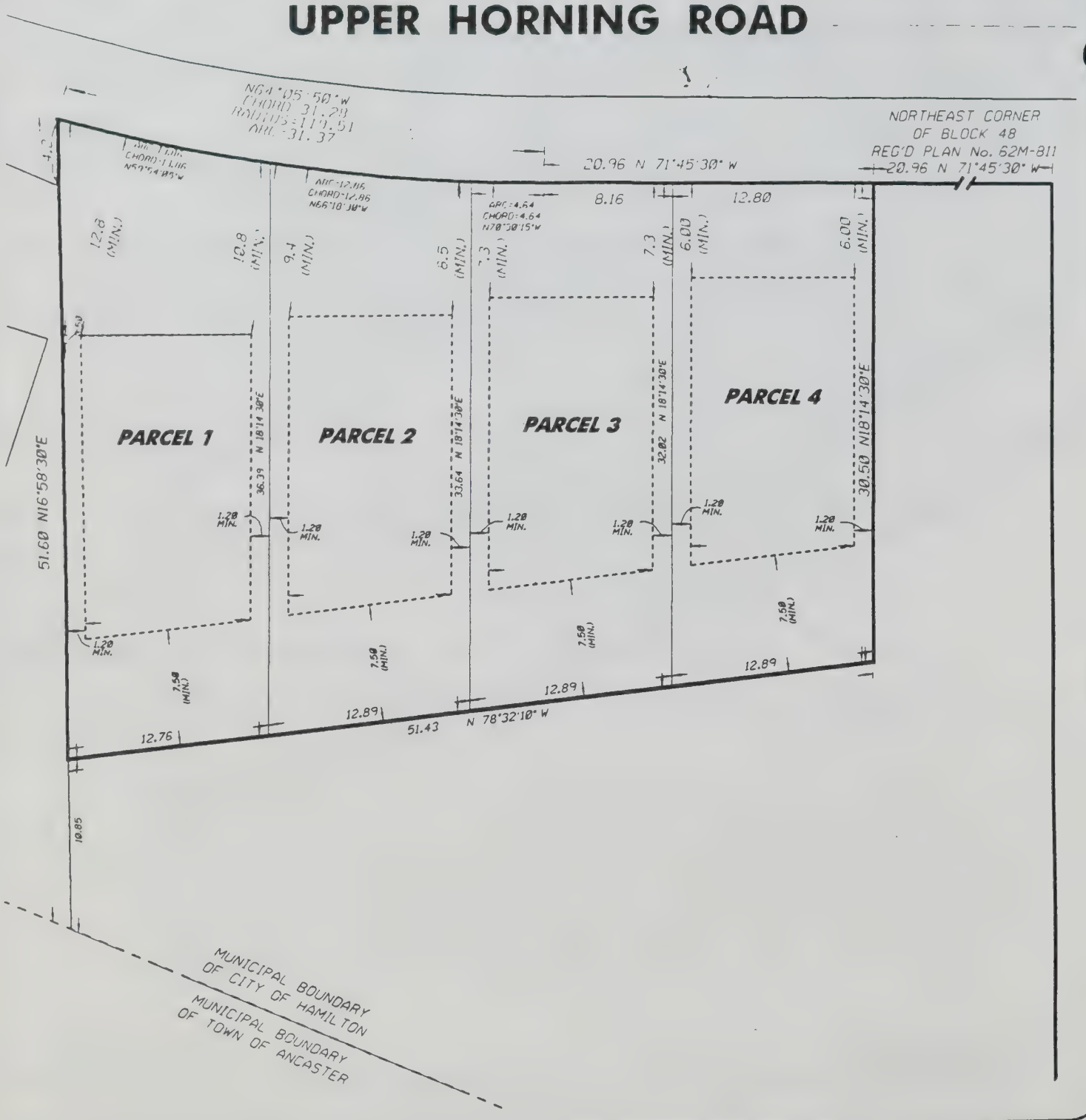
Legend

Proposed change in zoning :

BLOCK 1		From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
BLOCK 2		From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified;
BLOCK 3		From "D" (Urban Protected Residential - One and Two Family Dwellings, etc) District to "C" (Urban Protected Residential, etc.) District; and,
BLOCK 4		From "D" (Urban Protected Residential - One and Two Family Dwellings, etc) District to "C" (Urban Protected Residential, etc.) District, modified.

ZAC-97-10

APPENDIX "A



City of Hamilton

Appendix "B"

Planning and Development Department

Building Envelopes

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-97-10
	Date	Drawn By
	APRIL 1997	D.L.

3a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 April 29 APR 3 0 1997
(CD-96-004)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT:

Rental Housing Protection Act Application CD-96-004 -
222 Gage Avenue South, Blakely Neighbourhood

SECOND REPORT

RECOMMENDATIONS:

(a) That approval be given to Application CD-96-004, under the Rental Housing Protection Act, Vedemo Construction Ltd, owner, for conversion of 102 rental apartments to condominium units for the property located at 222 Gage Avenue South, subject to the following conditions:

(i) That the Owner offer, in writing, to the Tenants residing at the premises on the date of Council's approval, the right to lease their current unit, noted in Appendix "A", for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "A", upon the following minimum terms:

1. the Offer shall be open for acceptance by the Tenants for a period of 30 days from the date the Offer is sent;

2. the City will send the Offer, by registered mail, to the tenants residing at the premises as of the date of Council approval of the Rental Housing Protection Act application, immediately following the expiration of the appeal period of the Council approval;

3. that leases entered into as a result of (i) and (ii) above, be executed prior to the City's execution of the RHPA Approval Agreement;

4. that the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended;

5. that such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,

6. that the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty.

(ii) That the Owner grant to the Tenants named in Appendix "A" an Option to Purchase a Unit specified in Appendix "A", (together with appurtenant interests). Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner;

(iii) 1. That the City send by registered mail to the tenants residing at the premises as of the date of the Council approval of the RHPA application, the Option to Purchase details set by City Council; and,

2. That the notice indicated in section (i) above shall be sent immediately following the expiration of the appeal period of the Council approval; and,

3. That the tenants noted in (i) above shall be given 30 days from the date of the letter sent by the City to notify the City whether they are or are not interested in further considering the option.

(iv) That this RHPA approval shall cease and be at an end,

1. if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,

2. in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton;

(v) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Planning and Development and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "A" and "B" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval;

(vi) In the event that the Owner proposes to sell all of the subject lands, he/she shall

ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein;

(vii) That the Owner provide the City Solicitor and the Director of Planning and Development with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,

(viii) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.

(b) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

Bill Saxon /for VA. J.S. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The cost of processing this application is paid for by the applicant through the application fees.

BACKGROUND:

Planning and Development Committee Meeting - April 8, 1997

At its meeting of April 8, 1997, the Planning and Development Committee tabled the subject application for a period of one month. The reason for tabling the application was to allow the Ward Aldermen, staff, and the applicant to meet with the tenants of the building to determine which tenants were in favour of/opposed to the conversion; which tenants preferred to continue leasing; and which tenants were interested in purchasing a unit. The results of the meeting are detailed later in this report in the section entitled "Tenant Information Meeting".

Owner

Vedemo Construction Ltd., owner.

Existing Building

The subject property is comprised of 102 apartments. The units are comprised of 2 bachelor units, 31 one-bedroom units and 66 two-bedroom units (one unit is an office and one unit is for the on-site superintendent). The year of construction is 1978. As of February 6, 1997, six of the units in the building were vacant.

Nature of the Application

An application under the Ontario Rental Housing Protection Act (RHPA) for the property at 222 Gage Avenue South was submitted to the City on October 16, 1996. The subject property is shown on the attached key map. The proposal is to convert 102 apartments units to condominium. The agent for the applicant has indicated the units will be sold in the price range of $39,000 - $59,000, with a premium for units on higher floors.

Proposed Conversion Details

The application submitted includes some details of renovations to be undertaken; these include updated kitchens, new carpets, bathroom improvements, and interior decorating.

Rent Details

The monthly rental charges for the units, effective October, 1996, are as follows:

- The two bachelor units rent for $379 and $408;
- The one-bedroom units have a rental range of $508 - $620 with an average rental price of $557; and,
- The two-bedroom units have a rental range of $552 - $634 with an average rental price of $598.

APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental housing units including renovations, conversion to condominium and other uses, demolitions and severances. The rental apartment units at 222 Gage Avenue South are subject to the Act since the applicant intends to convert the apartment units to condominium status.

The Act notes that Council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:

i) the building is structurally unsound;
ii) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar quality and rent in the same area; and/or,
iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

Criteria i) is not applicable as the applicant is seeking to convert the existing building to condominium status.

Criteria ii) is not applicable as the applicant is not providing any new rental units.

Therefore, Council may approve this application if, as noted by the Province, "it is of the opinion

that the loss of these 102 affordable rental units would not constitute an adverse effect on the supply of affordable rental housing" in Hamilton. The Province has added that "if Council decides to approve the application, Council may wish to use the provisions of section 11(7) and 12 of the Rental Housing Protection Act to impose reasonable conditions on approval, to enter into agreements with the applicant concerning fulfilment of these conditions, and to register these agreements against title to the property."

The Province further notes "suitable conditions in this situation might include:

- provision of a first right of refusal to all tenants interested in purchasing their unit.
- pricing of units for sale to tenants at the levels set out in the application.
- provision to tenants who do not wish to purchase of a period of security of tenure from eviction by the applicant or a subsequent purchaser of a condominium on the grounds of personal possession under section 103 of the Landlord and Tenant Act and on the grounds of renovation and repair, conversion of use, or demolition under section 105 of the Landlord and Tenant Act.
- conduct of a structural audit and reserve fund analysis to the satisfaction of the municipality, and provision of a copy of this report free of charge to prospective purchasers before they enter into binding agreements of purchase and sale."

ANALYSIS OF IMPACT/EFFECT ON THE RENTAL HOUSING MARKETPLACE:

City Council may approve the application through Regulation O.Reg. 524/94 of the Rental Housing Protection Act if, in Council's opinion, the removal of these 102 rental units will not adversely affect the supply of affordable rental housing in the City. In June of 1995, the Planning and Development Department submitted an Information Report to the Planning and Development Committee regarding the evaluation of applications for condominium conversion. The report outlined the criteria that will be used in evaluating applications and determining the staff recommendation. The criteria are in two groups: Essential Criteria and Criteria for which Conditions may be Instituted. The following is a list of the criteria in each group:

Essential Criteria:

1. The vacancy rate within the City of Hamilton for all units should be at least two percent.
2. The vacancy rate within the particular CMHC Zone should be at least two percent (for all units).
3. The vacancy rate for the type of housing should be at least two percent within the City and the zone.
4. The impact of conversion on the vacancy rates will be examined to ensure that vacancy rates will not be significantly impacted.
5. The rental pricing will be examined to review whether the units are priced significantly less than comparable units in the City and the zone.

Criteria for Which Conditions may be Instituted:

1. The availability of potential alternative accommodation will be reviewed in terms of unit

type and price.

2. The affordability of the units will be examined in terms of affordability as ownership and rental units.
3. The monthly carrying costs will be examined to compare the monthly costs as rental and ownership units.

Data from the semi-annual Canada Mortgage and Housing Corporation (hereafter referred to as "CMHC") Rental Market Report is used to evaluate the above-noted criteria. CMHC has divided the City into seven geographic zones; the subject property is located within "Zone 2 - Hamilton East Zone".

Essential Criteria:

Vacancy Rates - All Unit Types

The vacancy for the City, for all unit types, was 2.4 percent in October of 1996 (latest available CMHC data). The vacancy rate for the Hamilton East Zone was 6.9 percent (all unit types). A vacancy rate between 2.0 percent and 3.0 percent is considered by CMHC as indicative of a healthy, competitive rental marketplace in a municipality.

Vacancy Rates - Apartment Units

The following table includes the vacancy rate, by unit type, for the City as a whole and the Hamilton East Zone.

Unit Type	City Vacancy Rate	Hamilton East Vacancy Rate
Bachelor	4.1%	17.9%
One-Bedroom	2.5%	6.5%
Two-Bedroom	2.3%	6.5%

The vacancy rates for the City and Zone, for all unit types, are above two percent, which is the guideline used in evaluating the rental housing market for the type of unit and the geographic area of the City.

Impact of Conversion on Vacancy Rate

Analysis of the change in the vacancy rate for the City, the Hamilton East Zone, for all units and by unit type, is used to determine if the conversion to condominium will negatively impact the vacancy rate within the City and the particular market zone. For the subject building, six of the units in the subject building are vacant at the current time (four one-bedroom units and two two-bedroom units). The following table shows the changes to the vacancy rates. In some instances the vacancy rate increases (due to the smaller rental stock) and in other instances the vacancy rate

rises marginally (less than 0.1%) which is related to the removal of the vacant units in the subject building.

Impact on Vacancy Rate

Geographic Area	Unit Type	Impact on Vacancy Rate
City	All Units	Marginal Decrease (0.02%)
City	Bachelor Units	No Change
City	One Bedroom Units	Marginal Decrease (0.02%)
City	Two Bedroom Units	No Change
Zone 2	All Units	Marginal Increase (0.03%)
Zone 2	Bachelor Units	Small Increase (0.23%)
Zone 2	One Bedroom Units	Small Decrease (0.11%)
Zone 2	Two Bedroom Units	Small Increase (0.21%)

The analysis of the impact on the vacancy rates reveals no significant impact on the vacancy rates within the City as whole or the Hamilton East Zone.

Rental Pricing

Average Rent Levels
October, 1996

Unit Type	City Wide Average Rent	Hamilton East Average Rent	222 Gage S. Average Rent
Bachelor	$392	$360	$394
One-Bedroom	$485	$446	$557
Two-Bedroom	$594	$546	$598

The units in the subject building are comparably priced to other similar rental stock in the City and in the Hamilton East Zone, based on the average rents.

Criteria for Which Conditions May be Instituted:

Potential Alternative Accommodation

The removal of the 102 units in this building will reduce the rental stock in the City and the Hamilton East Zone. The following table shows the rental stock for the unit types and the impact the conversion of these units would have on the removal of the units from the rental supply.

Geographic Area	Unit Type	Rental Stock	% Reduction of Rental Stock
City	All Units	30,815	-0.33%
City	Bachelor Units	1,918	-0.10%
City	One Bedroom Units	14,925	-0.21%
City	Two Bedroom Units	12,794	-0.53%
Zone 2	All Units	3,277	-3.11%
Zone 2	Bachelor Units	156	-1.28%
Zone 2	One Bedroom Units	1,785	-1.79%
Zone 2	Two Bedroom Units	1,223	-5.56%

The percentage reductions are small for the City (by Unit Type). Within the Hamilton East Zone, the largest impact is the reduction of the two-bedroom stock which represents a reduction of 5.56% of this type of housing in the zone. However, it is noted that the vacancy rates within the Hamilton East Zone was 6.5%; there are other rental opportunities within the zone for two-bedroom units should a tenant wish to move within the area.

Affordability of Units

In the past, a review of the rents for proposals for conversion has been carried out to determine the affordability of the units. The review involved comparing the average rents to the affordable rents defined under the Income and Affordable Housing Price Data Information Bulletin (1995) that formed part of the Comprehensive Set of Policy Statements. With the passage of Bill 20, the Province has changed the policies relative to affordable housing and no longer releases information on affordable house prices. However, a review of the rents indicates that these units would be affordable to persons earning a minimum of $15,740 (Bachelor); $17,141.94 (One-Bedroom); and $23,915 (Two-Bedroom).

Monthly Carrying Costs

A review of the monthly carrying costs for any tenant purchasing the unit is based on the following assumptions:

1. A downpayment of 10 percent;
2. Prevailing interest rates at the time of preparation of this report are used in the mortgage calculation;
3. Property taxes are approximately $125 per month; and,
4. An average purchase price of $52,500.

On this basis, the monthly mortgage payment for such a unit would be $280; the additional property taxes ($125 per month) would bring the monthly total to $405. This figure is exclusive of condominium fees, which are not known at this point in time. From this perspective, the units, as ownership, are comparably priced to the existing rental pricing. For existing tenants, assuming a 10 percent downpayment and prevailing mortgage interest rates (as of March 19, 1997), these units would be affordable to households earning approximately $16,200 to $18,500. The monthly carrying costs are lower than the rent for the units.

Summary

In summary, the application for conversion meets the criteria used by the Planning and Development Department in evaluating conversions.

IMPACT ON EXISTING TENANTS:

Some of the anticipated impacts on existing tenants have been noted in the preceding discussion. The owner is offering the tenants who do not wish to purchase a unit a one year lease on a unit in the building.

TENANT INFORMATION MEETING:

2nd Meeting

The second tenant information meeting was held on April 28, 1997 at the subject property (No. 222 Gage Avenue South). Approximately thirty-five tenants were in attendance, representing

thirty-one of the 102 units. All tenants were notified of the meeting.

Information from the meeting is as follows:

- One of the thirty-one tenants is in favour of the conversion; the remaining thirty are opposed;
- Twenty-seven of the tenants wish to continue leasing their units; four tenants did not respond to this question;
- None of the tenants wish to purchase a unit.

Comments at the meeting expressed concern regarding the cost of purchasing a unit and the fact that tenants had signed leases and moved into the building without knowledge of the application for conversion. The applicant has agreed that this last situation should not have happened and will correct this in future. In addition, staff of the Planning and Development Department have discussed the matter; future applicants will be required to provide notice to potential tenants prior to the tenant signing the lease.

1st Meeting

On February 26, 1997, the tenant information meeting was held with the tenants, the applicant, the Ward Aldermen, and staff of the Planning and Development Department. There were four tenants present from the building. Concerns raised at the meeting centred on how tenants would be treated if the building was converted and if they chose not to purchase their unit. The City's standard conditions related to conversions (guaranteed tenancy for a specified period of time at the current rent plus guideline increases) were explained. Two tenants have returned submissions indicating their opposition to the proposed conversion.

COMMENTS:

1. The application can be supported for the following reasons:

    a) The vacancy rates for apartment units, in the City and in the Hamilton East Zone, are above 2.0 percent, which is considered indicative of a healthy rental housing market.

    b) The conversion to condominium of these units will provide an opportunity for affordable home ownership. In fact, the units are generally more affordable as ownership units than as rental units.

2. With regard to conditions to be imposed related to the conversion, it is recommended that the existing tenants, who choose not to purchase a unit, be given the option of entering into a three year least at their current rent, plus any guideline increases. The units within this building are in the higher one-third of rental pricing in the Hamilton East Zone, the vacancy rates are high in the zone, and there are opportunities for alternative rental accommodation. A three year term is consistent with the conditions of approval imposed by Council where the subject building fulfils the criteria used to evaluate the conversion.

3. For the information of the Committee, the application was circulated to various agencies for comments. The comments received were as follows:

   - Building Department: the building is legally established as an apartment building with required on-site parking;
   - Treasury Department: the property taxes for the site are currently paid.

4. The property taxes for the subject property will change if the conversion to condominium is approved by Council. As ownership units, it is expected that the property taxes will drop by approximately fifty percent. However, should the building be converted to condominium ownership and some of the units remain as rental units, those rental units will be taxed at the higher rate.

CONCLUSION:

Based on a review of several housing market statistical indicators, the proposed conversion to condominium of the 102 units will not cause an adverse impact on the supply of affordable rental housing in Hamilton or in the Hamilton East Zone. The proposed conversion will result in the creation of "affordable" ownership housing that reaches a segment of the marketplace which has not been in a position to attain home ownership in recent years.

As in previous RHPA applications, it is appropriate that some degree of flexibility be provided to tenants who may be affected by the conversion. Accordingly, tenants should have the option of staying in their units for an additional three-year period upon registration of the Approval Agreement. As well, the applicant has made a commitment to the tenants that the units will be sold at a maximum specified price. It is desirable to recognize this commitment within the Approval Agreement.

MLT/

APPENDIX "A"

MONTHLY RENTAL CHARGES AS OF FEBRUARY 12, 1997

222 Gage Avenue South

Unit 102 222 Gage Avenue South
Unit 102
Hamilton, ON
L8M 3M4

Rent: $379.00

Unit 105 222 Gage Avenue South
Unit 105
Hamilton, ON
L8M 3M4

Rent: $599.00

Unit 108 222 Gage Avenue South
Unit 108
Hamilton, ON
L8M 3M4

Rent: $620.00

Unit 109 222 Gage Avenue South
Unit 109
Hamilton, ON
L8M 3M4

Rent: $620.00

Unit 110 222 Gage Avenue South
Unit 110
Hamilton, ON
L8M 3M4

Rent: $536.00

Unit 111 222 Gage Avenue South
Unit 111
Hamilton, ON
L8M 3M4

Rent: $622.00

Unit 112 222 Gage Avenue South
Unit 112
Hamilton, ON
L8M 3M4

Rent: $408.00

APPENDIX "A"

Unit 201 222 Gage Avenue South
Unit 201
Hamilton, ON
L8M 3M4

Rent: $621.00

Unit 202 222 Gage Avenue South
Unit 202
Hamilton, ON
L8M 3M4

Rent: $539.00

Unit 203 222 Gage Avenue South
Unit 203
Hamilton, ON
L8M 3M4

Rent: $580.00

Unit 204 222 Gage Avenue South
Unit 204
Hamilton, ON
L8M 3M4

Rent: $531.00

Unit 205 222 Gage Avenue South
Unit 205
Hamilton, ON
L8M 3M4

Rent: $629.00

Unit 206 222 Gage Avenue South
Unit 206
Hamilton, ON
L8M 3M4

Rent: $593.00

Unit 207 222 Gage Avenue South
Unit 207
Hamilton, ON
L8M 3M4

Rent: $598.00

Unit 208 222 Gage Avenue South
Unit 208
Hamilton, ON
L8M 3M4

Rent: $622.00

Unit 209 222 Gage Avenue South
Unit 209
Hamilton, ON
L8M 3M4

Rent: $622.00

Unit 210 222 Gage Avenue South
Unit 210
Hamilton, ON
L8M 3M4

Rent: $536.00

Unit 211 222 Gage Avenue South
Unit 211
Hamilton, ON
L8M 3M4

Rent: $592.00

Unit 212 222 Gage Avenue South
Unit 212
Hamilton, ON
L8M 3M4

Rent: $539.00

Unit 214 222 Gage Avenue South
Unit 214
Hamilton, ON
L8M 3M4

Rent: $620.00

APPENDIX "A"

Unit 301 222 Gage Avenue South
Unit 301
Hamilton, ON
L8M 3M4

Rent: $599.00

Unit 302 222 Gage Avenue South
Unit 302
Hamilton, ON
L8M 3M4

Rent: $506.00

Unit 303 222 Gage Avenue South
Unit 303
Hamilton, ON
L8M 3M4

Rent: $592.00

Unit 305 222 Gage Avenue South
Unit 305
Hamilton, ON
L8M 3M4

Rent: $586.00

Unit 306 222 Gage Avenue South
Unit 306
Hamilton, ON
L8M 3M4

Rent: $621.00

Unit 307 222 Gage Avenue South
Unit 307
Hamilton, ON
L8M 3M4

Rent: $629.00

Unit 308 222 Gage Avenue South
Unit 308
Hamilton, ON
L8M 3M4

Rent: $599.00

Unit 309 222 Gage Avenue South
Unit 309
Hamilton, ON
L8M 3M4

Rent: $599.00

Unit 310 222 Gage Avenue South
Unit 310
Hamilton, ON
L8M 3M4

Rent: $533.00

Unit 311 222 Gage Avenue South
Unit 311
Hamilton, ON
L8M 3M4

Rent: $586.00

Unit 312 222 Gage Avenue South
Unit 312
Hamilton, ON
L8M 3M4

Rent: $544.00

Unit 314 222 Gage Avenue South
Unit 314
Hamilton, ON
L8M 3M4

Rent: $629.00

APPENDIX "A"

Unit 401 222 Gage Avenue South
Unit 401
Hamilton, ON
L8M 3M4

Rent: $621.00

Unit 402 222 Gage Avenue South
Unit 402
Hamilton, ON
L8M 3M4

Rent: $516.00

Unit 403 222 Gage Avenue South
Unit 403
Hamilton, ON
L8M 3M4

Rent: $629.00

Unit 404 222 Gage Avenue South
Unit 404
Hamilton, ON
L8M 3M4

Rent: $543.00

Unit 405 222 Gage Avenue South
Unit 405
Hamilton, ON
L8M 3M4

Rent: $616.00

Unit 406 222 Gage Avenue South
Unit 406
Hamilton, ON
L8M 3M4

Rent: $599.00

Unit 407 222 Gage Avenue South
Unit 407
Hamilton, ON
L8M 3M4

Rent: $629.00

Unit 408 222 Gage Avenue South
Unit 408
Hamilton, ON
L8M 3M4

Rent: $587.00

Unit 409 222 Gage Avenue South
Unit 409
Hamilton, ON
L8M 3M4

Rent: $629.00

Unit 410 222 Gage Avenue South
Unit 410
Hamilton, ON
L8M 3M4

Rent: $558.00

Unit 411 222 Gage Avenue South
Unit 411
Hamilton, ON
L8M 3M4

Rent: $592.00

Unit 412 222 Gage Avenue South
Unit 412
Hamilton, ON
L8M 3M4

Rent: $540.00

Unit 414 222 Gage Avenue South
Unit 414
Hamilton, ON
L8M 3M4

Rent: $599.00

APPENDIX "A"

Unit 501 222 Gage Avenue South
Unit 501
Hamilton, ON
L8M 3M4

Rent: $570.00

Unit 502 222 Gage Avenue South
Unit 502
Hamilton, ON
L8M 3M4

Rent: $540.00

Unit 503 222 Gage Avenue South
Unit 503
Hamilton, ON
L8M 3M4

Rent: $599.00

Unit 504 222 Gage Avenue South
Unit 504
Hamilton, ON
L8M 3M4

Rent: $537.00

Unit 505 222 Gage Avenue South
Unit 505
Hamilton, ON
L8M 3M4

Rent: $622.00

Unit 506 222 Gage Avenue South
Unit 506
Hamilton, ON
L8M 3M4

Rent: $599.00

Unit 507 222 Gage Avenue South
Unit 507
Hamilton, ON
L8M 3M4

Rent: $599.00

Unit 508 222 Gage Avenue South
Unit 508
Hamilton, ON
L8M 3M4

Rent: $603.00

Unit 509 222 Gage Avenue South
Unit 509
Hamilton, ON
L8M 3M4

Rent: $628.00

Unit 510 222 Gage Avenue South
Unit 510
Hamilton, ON
L8M 3M4

Rent: $516.00

Unit 511 222 Gage Avenue South
Unit 511
Hamilton, ON
L8M 3M4

Rent: $620.00

Unit 512 222 Gage Avenue South
Unit 512
Hamilton, ON
L8M 3M4

Rent: $520.00

Unit 514 222 Gage Avenue South
Unit 514
Hamilton, ON
L8M 3M4

Rent: $629.00

APPENDIX "A"

Unit 601 222 Gage Avenue South
Unit 601
Hamilton, ON
L8M 3M4

Rent: $634.00

Unit 602 222 Gage Avenue South
Unit 602
Hamilton, ON
L8M 3M4

Rent: $540.00

Unit 603 222 Gage Avenue South
Unit 603
Hamilton, ON
L8M 3M4

Rent: 620.00

Unit 604 222 Gage Avenue South
Unit 604
Hamilton, ON
L8M 3M4

Rent: $537.00

Unit 605 222 Gage Avenue South
Unit 605
Hamilton, ON
L8M 3M4

Rent: $599.00

Unit 606 222 Gage Avenue South
Unit 606
Hamilton, ON
L8M 3M4

Rent: $629.00

Unit 607 222 Gage Avenue South
Unit 607
Hamilton, ON
L8M 3M4

Rent: $629.00

Unit 608 222 Gage Avenue South
Unit 608
Hamilton, ON
L8M 3M4

Rent: $599.00

Unit 609 222 Gage Avenue South
Unit 609
Hamilton, ON
L8M 3M4

Rent: $599.00

Unit 610 222 Gage Avenue South
Unit 610
Hamilton, ON
L8M 3M4

Rent: $558.00

Unit 611 222 Gage Avenue South
Unit 611
Hamilton, ON
L8M 3M4

Rent: $587.00

Unit 612 222 Gage Avenue South
Unit 612
Hamilton, ON
L8M 3M4

Rent: $540.00

Unit 614 222 Gage Avenue South
Unit 614
Hamilton, ON
L8M 3M4

Rent: $622.00

APPENDIX "A"

Unit 701 222 Gage Avenue South
Unit 701
Hamilton, ON
L8M 3M4

Rent: $599.00

Unit 703 222 Gage Avenue South
Unit 703
Hamilton, ON
L8M 3M4

Rent: $592.00

Unit 704 222 Gage Avenue South
Unit 704
Hamilton, ON
L8M 3M4

Rent: $535.00

Unit 705 222 Gage Avenue South
Unit 705
Hamilton, ON
L8M 3M4

Rent: $618.00

Unit 706 222 Gage Avenue South
Unit 706
Hamilton, ON
L8M 3M4

Rent: $599.00

Unit 707 222 Gage Avenue South
Unit 707
Hamilton, ON
L8M 3M4

Rent: $599.00

Unit 708 222 Gage Avenue South
Unit 708
Hamilton, ON
L8M 3M4

Rent: $599.00

Unit 709 222 Gage Avenue South
Unit 709
Hamilton, ON
L8M 3M4

Rent: $599.00

Unit 710 222 Gage Avenue South
Unit 710
Hamilton, ON
L8M 3M4

Rent: $537.00

Unit 711 222 Gage Avenue South
Unit 711
Hamilton, ON
L8M 3M4

Rent: $620.00

Unit 712 222 Gage Avenue South
Unit 712
Hamilton, ON
L8M 3M4

Rent:$513.00

Unit 714 222 Gage Avenue South
Unit 714
Hamilton, ON
L8M 3M4

Rent: $622.00

APPENDIX "A"

Unit 801 222 Gage Avenue South
Unit 801
Hamilton, ON
L8M 3M4

Rent: $599.00

Unit 802 222 Gage Avenue South
Unit 802
Hamilton, ON
L8M 3M4

Rent: $520.00

Unit 803 222 Gage Avenue South
Unit 803
Hamilton, ON
L8M 3M4

Rent: $576.00

Unit 804 222 Gage Avenue South
Unit 804
Hamilton, ON
L8M 3M4

Rent: $561.00

Unit 805 222 Gage Avenue South
Unit 805
Hamilton, ON
L8M 3M4

Rent: $629.00

Unit 806 222 Gage Avenue South
Unit 806
Hamilton, ON
L8M 3M4

Rent: $587.00

Unit 807 222 Gage Avenue South
Unit 807
Hamilton, ON
L8M 3M4

Rent: $622.00

Unit 808 222 Gage Avenue South
Unit 808
Hamilton, ON
L8M 3M4

Rent: $570.00

Unit 809 222 Gage Avenue South
Unit 809
Hamilton, ON
L8M 3M4

Rent: $599.00

Unit 810 222 Gage Avenue South
Unit 810
Hamilton, ON
L8M 3M4

Rent: $560.00

Unit 811 222 Gage Avenue South
Unit 811
Hamilton, ON
L8M 3M4

Rent: $620.00

Unit 812 222 Gage Avenue South
Unit 812
Hamilton, ON
L8M 3M4

Rent: $540.00

Unit 814 222 Gage Avenue South
Unit 814
Hamilton, ON
L8M 3M4

Rent: $587.00

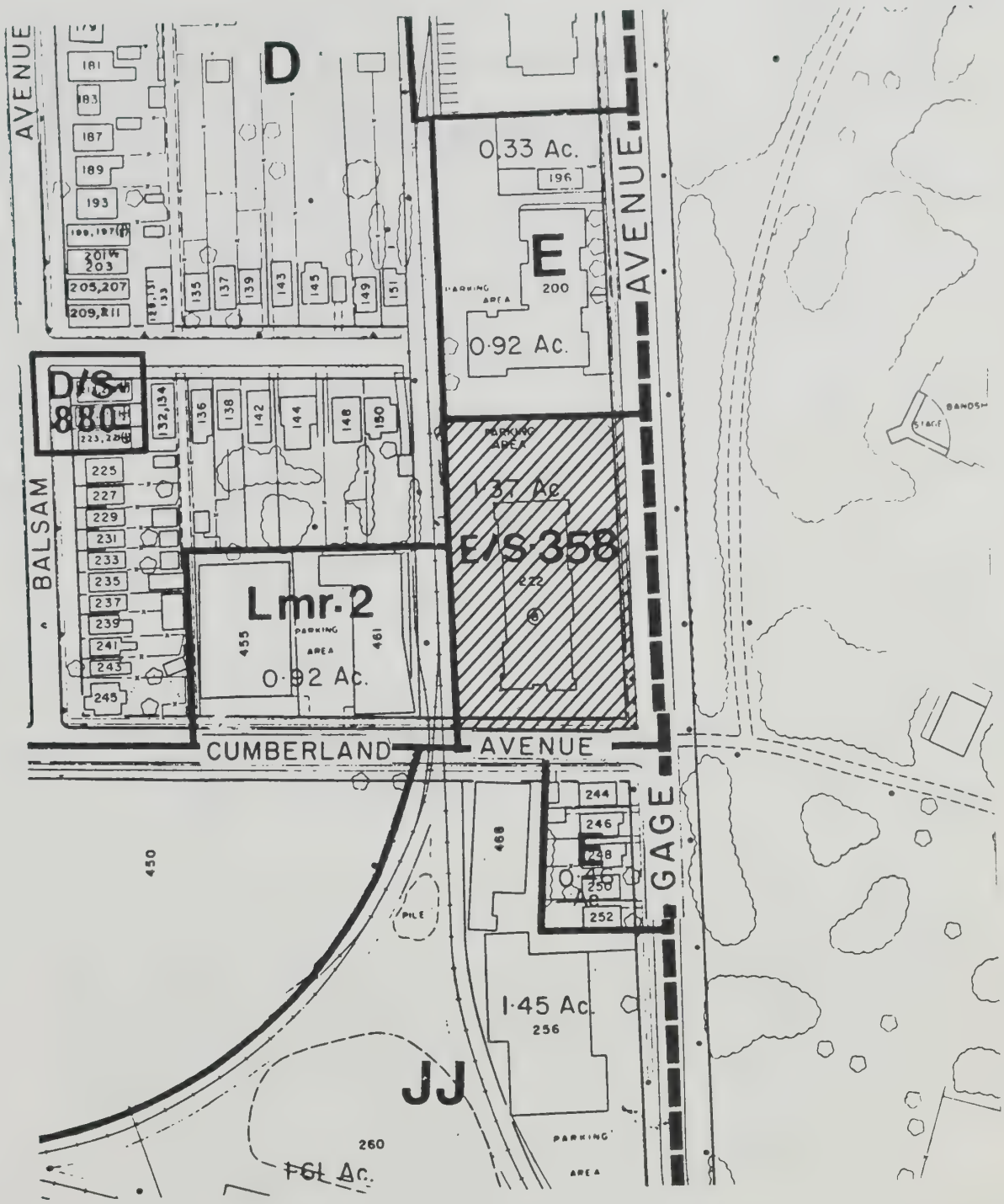
APPENDIX "B"

The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

(a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to purchase shall be prepared by the Owner and registered by the Owner at his/her expense, including payment of registration fees.

(b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.

(c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.



City of Hamilton

Location Plan For

222 Gage Ave South

Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	CD-96-004
	Date	Drawn By
	March 1997	FAB

361

CITY OF HAMILTON

- RECOMMENDATION -

APR 30 1997

DATE: 1997 April 29
B:96-8
(Strathcona Neighbourhood)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J. Pavelka, P.Eng.
Chief Administrative Officer

P. Noé Johnson
City Solicitor

SUBJECT: Authorization for Staff Attendance at an Ontario Municipal Board Hearing - Severance of the Canadian National Railway lands, north of Barton Street West, east of Crooks Street

RECOMMENDATIONS:

(a) That the appropriate staff (eg. Law, Planning and Development Departments) be authorized to attend the Ontario Municipal Board Hearing respecting the severance of the Canadian National Railway lands, north of Barton Street West, between Crooks Street and Queen Street North, as shown on the attached map marked as APPENDIX "A", and inform the Board that the City consents to the amendment of condition 2. so that it reads:

> "Rezoning the subject lands from "K" (Heavy Industry, etc) District to "L-mr-1" (Planned Development-Residential) District."; and

(b) That the City be authorized to request an adjournment of the hearing until Zoning Application 97-15 has been finalized; and,

(c) That the City be authorized to defend the decision of the Committee of Adjustment as amended by item (a) above, in the event that an adjournment is not granted by the Ontario Municipal Board.

Joanne McKeown

J. G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

It is estimated that one working day of staff time each will be required, for one representative from the Planning and Development Department (approximately $250. each) and one from the Law Department (approximately $1,000.), for preparation and attendance at the Ontario Municipal Board hearing. These costs are covered by the respective Departmental Work Programs/Budgets, therefore, no additional funds would be required.

BACKGROUND:

- Location

  The subject lands are located north of Barton Street West, east of Crooks Street in the Strathcona neighbourhood. The property is owned by Canadian National Railway Co., as shown on the attached map marked as APPENDIX "A".

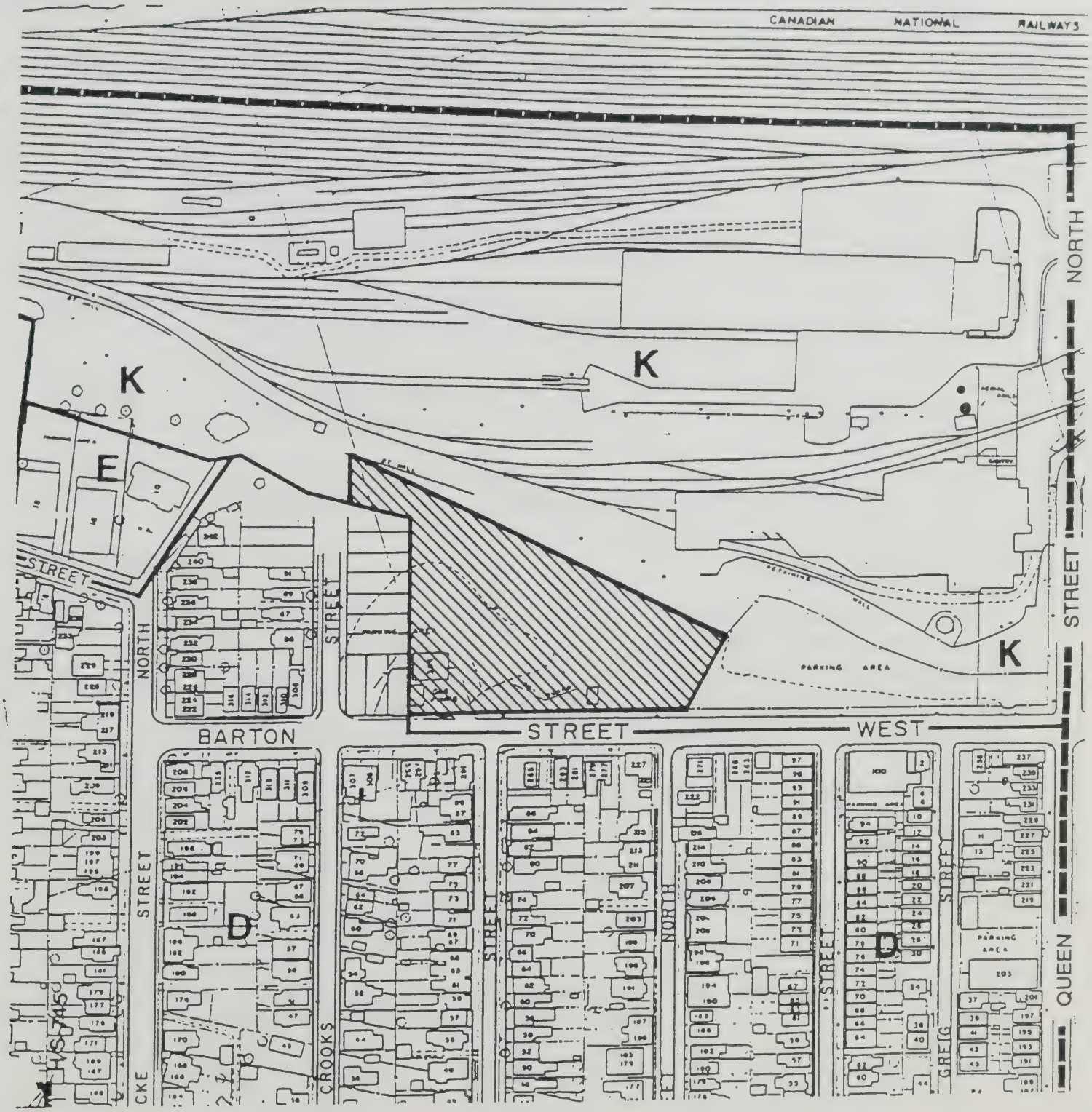
- Ontario Municipal Board Hearing

  The decision of the Committee of Adjustment with respect to Application B-96-8 was appealed to the Ontario Municipal Board. At its meeting of 1996 November 6, the Committee accepted Planning and Development staff's recommendation and approved the application subject to two conditions. The application sought approval to sever a 0.98 ha parcel of land, located on the north side of Barton Street East, between Crooks Street and Queen Street North from the larger holding of Canadian National Railway lands.

  The lands to be severed are designated for "Residential" use in the City's Official Plan. Condition 2. of the conditions of approval required "The applicant or purchaser obtain final approval of a Zoning By-law amendment which rezones the severed lands *to the satisfactionof the City Planning and Development Committee and City Council."* [emphasis added]. The applicant has appealed this condition to the Ontario Municipal Board on the basis that:

  > "This condition, incorporated into the City's Committee of Adjustment decision at the request of the City Planning Department, is considered by our client as being unreasonable as the processing of a Zoning By-law Amendment "to the satisfaction of the City Planning and Development Committee and City Council" restricts our client severely and allows them no option, other than one determined by the City's Planning Department, for the development of the subject lands. In addition, it is unreasonable to expect that a Zoning By-law Amendment Application could be submitted, processed and completed with Committee and Council approval within the statutory time period of clearing the conditions of consent."

  A hearing before the Ontario Municipal Board has been set for 1997 May 28.



Legend

B-96-8 - Lands to be Severed

APPENDIX A

4.

CITY OF HAMILTON

- RECOMMENDATION -

APR 2

DATE: 1997 April 28

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. L. King, P.Eng.
Building Commissioner

SUBJECT: 293 Tragina Avenue North
Demolition under the Planning Act (97.2.4.2.1.A, 97.4.9)

RECOMMENDATION:

(a) That the Building Commissioner be authorized to call tenders and subsequently proceed to have the building located at 293 Tragina Avenue North demolished to bring the subject property into compliance with City of Hamilton Property Standards By-Law 94-185 and as authorized under The Planning Act, 1990 Subsection 20, Section 31 and specifically to do the work required to comply with the Final and Binding Order; and,

(b) That the costs incurred for demolition, levelling, and clearing of lands together with administrative costs be added to the tax roll; and,

(c) That the Building Commissioner be authorized to issue a demolition permit for 293 Tragina Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended; and,

(d) That the attached by-law to authorize the demolition of all buildings and structures and the clearing of the lands be enacted by Council.

.../2

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The property in question is a vacant one storey frame single family dwelling. The estimated present value of the property is $16,700. Due to the deteriorated condition of the existing structure, the building does not contribute to the land value and, in fact, the value of the land without the structure is estimated at $21,000. There is a $34,500 mortgage registered against the property. Rehabilitation of the present structure for its established legal use would not be economically viable.

The property presently has no outstanding taxes. The cost of demolition, levelling, and clearing of the lands will be approximately $4,280 which together with administrative costs, will be collected in like manner as municipal taxes. Due to the mortgage situation on this property, it is unlikely the City will immediately recover its costs ($4,280) in this matter.

BACKGROUND:

There is a one storey wood frame Single Family Dwelling measuring approximately 750 square feet together with a wood frame accessory structure located on this property.

The property has been left unrepaired for a number of years except for cleanup work carried out by the City of Hamilton or the Regional Health Unit. Almost every part of the dwelling requires attention and the house has not been provided with water, hydro or gas for a number of years. The house has also been unoccupied since ordered by the Health Department in 1988 June.

The Building Department has received numerous complaints over the past eight years concerning the deteriorated condition of the subject property and the lands surrounding same.

In summary, between 1988 and 1996 the Building Department attended at the site eight times to cut grass and/or clean up accumulated garbage and debris at a cost of $4,363.37, and attended on two occasions under Emergency Orders to demolish and/or secure unsafe conditions at an additional cost of $4,442.16. In 1989 City Council also passed a by-law pursuant to the Property Standards By-Law to repair the building at a cost of $6,460. These repairs were necessary to bring the exterior of the building to a standard which meets the requirements of the Property Standards By-law and included such things as paint, parging, cladding repairs, roofing, etc.. The total costs for grass cutting, cleanup, demolition and repairs to $15,265.53. These costs were subsequently paid by the owner as there are presently no outstanding taxes.

.../3

Further to the Building Departments involvement, the Health Department advises that between 1984 and 1988 they laid four court charges and conducted four exterior cleanups of the property. Between 1988 and 1996, the Health Department received twelve complaints and made 132 visits to the site to monitor the conditions. During that time they also conducted four interior cleanouts of the building.

In the Fall of 1995 attempts to charge the owner of the premises with failure to comply with a Final and Binding Order under the City of Hamilton Property Standards By-Law was unsuccessful in that the owner of the property could not be located to be served the necessary legal documents.

As a result of lack of any maintenance and continuing complaints regarding the condition of the premises, Property Standards enforcement was again initiated and an Order was subsequently issued on 1997 January 6.

This Order was appealed to the Property Standards Committee however at the appeal on 1997 March 17 the owner failed to appear and the Committee subsequently upheld the Order after hearing the evidence of the Building Department. No appeal was filed with the Divisional Court, therefore the Order was Final and Binding as of 1997 April 2.

It is clear that in spite of these ongoing attempts to obtain compliance and the City's and Region's actions on behalf of the owner, no compliance has been achieved and there is no indication that the owner has any intention to do so.

In view of the foregoing and the ongoing cost burden that this property is bringing to the municipality, this recommendation is presented to enforce the Order to secure the health. welfare and safety of the inhabitants of the area.

LCK/JAS/dm
Encl.

c.c. Mr. Allan C. Ross, Treasurer
Ms. P. Noé Johnson, City Solicitor
Robert M. Morrow, Mayor

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Authorize:

DEMOLITION AND CLEARING OF

BUILDINGS, STRUCTURES, DEBRIS OR REFUSE AT

293 TRAGINA AVENUE NORTH

WHEREAS a **Notice** dated the **13th** Day of **December** 1**996** was served or caused to be served in accordance with Subsection 6 of Section 31 of The Planning Act, R.S.O. 1990, Chapter P.13, as amended;

AND WHEREAS an **Order** dated the **6th** of **January** 1**997** was served or caused to be served in accordance with Subsection 7 of Section 31 of the said Act;

AND WHEREAS an appeal has been made from the said Order in accordance with Subsection 16 of Section 31 of the said Act;

AND WHEREAS a hearing was held on the **17th** of **March** 1**997** by the Property Standards Committee in accordance with Subsection 17 of Section 31 of the said Act;

AND WHEREAS the Property Standards Committee confirmed the Order in accordance with Subsection 17 of Section 31 of the said Act;

AND WHEREAS no appeal has been lodged with a Judge of the Judicial District pursuant to Subsection 18 of Section 31 of the said Act;

AND WHEREAS the Order is now deemed to be final and binding pursuant to Subsection 19 of Section 31 of the said Act;

AND WHEREAS the buildings and structures situate on the land more particularly described as municipal number 293 Tragina Avenue North, Lot No. 4, Plan No. 502, in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, have not been repaired or demolished and the site cleared as required by the said Order;

AND WHEREAS the said buildings and structures are not in conformity with the standards prescribed in The Property Standards By-Law No.94-185 and are in a ruinous and deteriorated condition;

AND WHEREAS in accordance with Subsection 20 of Section 31 of the said Act, the Corporation has the right to demolish or repair the property in the event that the Order has not been complied with;

AND WHEREAS it is desirable to demolish the buildings and structures and to clear the site in order to secure the health, welfare and safety of the inhabitants of the area;

AND WHEREAS pursuant to Section 39(1)(c)(ii) of The Property Standards By-Law No. 94-185, as amended, the final amount expended by the City to demolish the buildings, together with interest, shall be a lien against the property in respect of which such amount was expended and the certificate of the City Clerk as to such amount shall be final and such amount shall be deemed to be taxes and may be added to the collector's roll to be collected in like manner as municipal realty taxes.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The Building Commissioner is hereby authorized and directed to provide for the demolition and clearing of all buildings, structures, debris or refuse on the land municipally known as 293 Tragina Avenue North, more particularly described as Lot No. 4, Plan No. 502, in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, and to leave the land in a graded and levelled condition.

2. It is hereby authorized and directed that the amount expended for the work done shall be added to the collector's roll and shall be collected in like manner as municipal realty taxes.

PASSED this day of A.D. 19

CITY CLERK MAYOR

5.

CITY OF HAMILTON

- INFORMATION -

DATE: 1997 May 1
CI-91-I
Mobile Signs

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P
Director of Planning and Development

SUBJECT: Mobile Sign Working Committee

BACKGROUND:

City Council, at its meeting 1997 February 11, passed a by-law to regulate mobile signs under the Municipal Act (see APPENDIX "A" attached).

A Mobile Sign Working Committee was convened on April 17, 1997 to hear input from the mobile sign industry on the new by-law. The representatives of the sign industry identified the following matters of concern:

Sign Relocations
Signs placed by sign companies in accordance with the appropriate permit, are being relocated, often to inappropriate or illegal locations on the property. In some cases, they are being relocated onto the public road allowance. This is causing problems with safety (blocking views of on-coming traffic) and enforcement.

Sign Limit Per Property
Section 7 of the mobile sign by-law allows up to two signs per property per time period. The representatives of the mobile sign companies feel that this limitation is too restrictive. In their view, such a restriction means some tenants in the larger plazas will not get an opportunity to have a sign. Further, they feel many properties are large enough to support more signs.

This issue was raised during the formulation of the by-law and was discussed at some

length during that process. The present by-law reflects the City's desire to reduce the total number of mobile signs in the City and a need to improve the aesthetics of the streetscapes. In this regard, the existing provisions in the by-law should be maintained.

Application by Owner or Authorized Agent

Section 9 of the by-law states that application for a mobile sign permit must be made by the owner or the authorized agent of the owner of the property on which the mobile sign will be placed. The representatives of the sign companies feel this requirement is causing problems with "kick backs" between landlords and tenants and harming the sign rental business. In their view, landlords do not want to get involved in such matters and, in this regard permit applications should only be between the sign company and the tenants wanting the sign. It was noted that both Mississauga and Brampton do not have this requirement.

There may be merit in reviewing this provision in the context of other municipalities experiences with this particular aspect of the by-law.

Variance Fee

Section 19(b) of the by-law identifies a $300 fee will be charged for applications for a minor variance to this by-law. Several sign company representatives feel this fee is too high.

This issue was during the formulation of the by-law. As noted in previous reports on this matter, the fee is based on a full cost recovery for processing (ie. inspections, review by department, report to the Planning and Development Committee and Council). On this basis, there is no reason to reduce the fee charge for variances.

Enforcement

Several of the sign company representatives feel that enforcement of the new by-law is too diligent. The Building Department advises that this is often the case when a new by-law is passed but, as the enforcement staff became more familiar with the by-law, they will show more discretion towards enforcing the by-law.

Sign Size

Section 13(j) of the By-law permit signs which are not greater than 5.6 m^2 of sign area per face with no one dimension greater than 2.4 m. Building Department staff have observed that in fact some signs are slightly larger. The sign companies do not see the current regulations as a problem however, Building Department staff will continue to monitor to determine if this provision needs to be adjusted.

Only two of the issues raised, permission of the owner/authorized agent on the permit application and sign size, merit further consideration.

A representative from a new sign company asked to be part of the Working Committee and requested the attached submission (APPENDIX "B") be forwarded to Council. Issues raised in this submission include: enforcement; time periods should relate to business not sign; hiatus period should relate to the business not the sign; and, increase the number of signs per property.

One sign company representative is opposed to the by-law and noted that they would only be an observer on the Working Committee.

CLACI-91-I

The Corporation of the City of Hamilton

BY-LAW NO. 97-026

A BY-LAW TO REGULATE THE SIZE, USE, LOCATION AND MAINTENANCE OF MOBILE SIGNS ON PRIVATE PROPERTY WITHIN THE CITY OF HAMILTON

WHEREAS Section 210, paragraph 146 of the Municipal Act R.S.O. 1990, c.M. 45, authorizes a council of a local municipality to pass by-laws for prohibiting or regulating signs and other advertising devices or any class or classes thereof,

AND WHEREAS the Council of The Corporation of the City of Hamilton has deemed it desirable to enact a by-law regulating the size, use, location and maintenance of mobile signs on private property for the purpose of ensuring that mobile signs minimize hazards to pedestrian and vehicular traffic,

AND WHEREAS Council has deemed it desirable to enact a by-law which imposes restrictions on the number of mobile sign permits that will be issued and to limit the amount of time a mobile sign can be placed in one location for the purpose of maintaining and preserving the aesthetic integrity of the urban landscape,

AND WHEREAS Council is empowered under Section 326 of the Municipal Act, R.S.O. 1990, c.M.45, to require compliance with this by-law, and upon default of such compliance, may carry out such corrective action as is deemed appropriate and may recover the expenses incurred in doing so in like manner as municipal taxes,

AND WHEREAS Council is empowered under Section 320 of the Municipal Act, R.S.O. 1990, c.M.45 to impose fines for the contravention of any by-law,

NOW THEREFORE the Council for The Corporation of the City of Hamilton ENACTS as follows:

ADMINISTRATION AND GENERAL PROVISIONS

Definitions

1. In this By-law,

(a) "agent" means a person designated by another person to act on his behalf;
(b) "applicant" means a person applying for a mobile sign permit under this By-law;
(c) "business" means any one activity, dealing, occupation or trade of either a commercial, industrial or professional endeavour as carried out or engaged in, at an establishment;
(d) "Chief Building Official" means the person appointed by the Council as the Chief Building Official for the City of Hamilton and includes his designate;
(e) "City" means the City of Hamilton in the Regional Municipality of Hamilton-Wentworth;
(f) "commercial district" means property that is zoned commercial as defined under City of Hamilton Zoning By-law 6593 as amended;
(g) "commercial or industrial complex" includes a shopping centre, shopping mall, shopping plaza, strip plaza, mall or place and is a group of three or more commercial uses excluding professional and administrative offices;
(h) "Corporation" means The Corporation of the City of Hamilton;
(i) "Council" means the Council for The Corporation of the City of Hamilton;
(j) "daylight triangle" means an area of a corner lot which is determined after the side lot line adjacent to the street and the street lot line have been extended to their point of intersection and by measuring from the point of intersection of the two lot lines a distance of 9.0m, along each lot line and joining such points with a straight line. The triangularly-shaped land between the point of intersection of such lot lines and the straight line joining the points at the designated distance along each such lot line shall be known as the "daylight triangle";
(k) "downtown core" means the area shown on Schedule "A" of this By-law;
(l) "electronic variable message centre (EVMC)" means an illuminated sign or part thereof which is computer controlled and which displays information to the public or attracts attention to the message by way of a pre-arranged or variable sequence of electronically generated letters, words, light patterns or shapes;

(m) "erect" includes the placing of, arranging for the placing of, the renting of, or the leasing of;

(n) "flashing mobile sign" means a mobile sign equipped with an intermittent or flashing light source;

(o) "street lot line" means the line that divides a lot from a street, but not a lane or alleyway;

(p) "grade" means the average level or elevation of the finished surface of the ground adjoining a building at all of the exterior walls or the mobile sign structure at the point of contact with the ground but shall not include any artificial embankment or planter box;

(q) "hiatus period" means a time period equal to fifteen (15) days. A hiatus period shall follow the placement of each and every mobile sign on a property in accordance with this by-law;

(r) "illumination" means lighting of the sign, in whole or in part by artificial means. Internal illumination means lighting the sign face with a light source located within the sign; external illumination means having a light source exterior to the sign and on, or directed at the sign, and flashing illumination means illumination that varies and is perceived to vary in intensity or design at periodic intervals;

(s) "industrial district" means property that is zoned industrial and defined under City of Hamilton Zoning By-law 6593 as amended;

(t) "message board" means that part of a sign on which the copy, characters, symbols or letters used to create the sign message are displayed, and "display surface" shall have a similar meaning;

(u) "mobile sign" means a sign mounted on a trailer or other free standing structure which is designed in such a manner so as to facilitate its movement from place to place, but does not include a sign attached to a motorized vehicle where the principle use of the vehicle is the transportation of people, goods or other materials;

(v) "mobile sign permit" means a mobile sign permit issued by the Chief Building Official or his designate pursuant to the provisions of this By-law for the legal display of a mobile sign;

(w) "motorized vehicle" means an automobile, truck, motorcycle or similar self-propelled means of transport but does not include a trailer;

(x) "multiple address location" means a location where two or more municipal addresses are contained in the same commercial or industrial complex or place;

(y) "permit holder" means a person who holds a valid mobile sign permit issued under this By-law;

(z) "person" means an individual, firm, corporation, association, business or partnership and includes an owner and lessee of a property;

(aa) "premises" means specific property, and includes all buildings and accessory structures thereon;

(bb) "property" means and refers to the location where a sign is to be positioned for display, or is displayed, or can be a reference to a specific street address of a business and includes a multiple address location;

(cc) "Regional Council" means the Council for The Regional Municipality of Hamilton-Wentworth;

(dd) "sign" means any medium or device including its structure and other component parts which is used or capable of being used to attract attention to a specific matter other than itself, for identification, information, business promotion or advertising purposes;

(ee) "sign area" means the number of square metres on the surface of a sign including the border and/or frame, and where there is no border shall include all the area of the surface lying within the extremities of the smallest geometric form which can wholly enclose the surface area of the sign;

(ff) "sign height" means the vertical distance measured from the proposed or finished grade immediately below the sign to the highest extremity of the sign including the border or frame; and,

(gg) "unsafe sign" means a sign which is either structurally unsafe, or which constitutes a fire or safety hazard, or impedes the movement of vehicular or pedestrian traffic, or which would otherwise constitute a risk to the safety of persons or premises.

Administration

2. The Chief Building Official or his designate shall:
   (a) receive and process all applications for mobile sign permits required under this By-law;
   (b) administer the issuance of mobile sign permits in accordance with provisions of this By-law;
   (c) maintain and keep records of all applications received for mobile sign permits and records of all mobile sign permits issued;
   (d) generally perform administrative functions incidental and necessary to the due administration and enforcement of this By-law.

Mobile Sign Permits

3. No person or his agent shall erect, display or otherwise use a mobile sign, without first obtaining a mobile sign permit as provided by this By-law.

4. A person or his agent, may obtain a mobile sign permit if:
   (a) he completes an application form provided by the Chief Building Official or his designate;
   (b) he files, as may be required by the Chief Building Official, in duplicate, a sketch of sufficient detail and quality as is necessary to ascertain whether or not the mobile sign will be in compliance with this By-law with accurate measurements of distances showing the intended location of the mobile sign and from that location the:
      (i) distance to the nearest street lot line;
      (ii) distance to the nearest edge of pavement of the nearest roadway;
      (iii) distance to the nearest edge of pavement at the intersection of two or more streets;
      (iv) distance to the nearest edge of the nearest mobile sign;
      (v) distance to the nearest edge of a building;
      (vi) distance to the nearest residential property; and
   (c) he files, as may be required by the Chief Building Official, measurements of the size of the mobile sign and it's supporting framework.

5. The number of days that a mobile sign is erected or displayed, shall be determined from the date and including the day of permit issuance, or date of erection if the mobile sign was erected prior to permit issuance.

6. The Chief Building Official or his designate may require a person, or his agent to provide proof of interest either as a lessee, renter, tenant or owner of the property on which the mobile sign is to be located, and/or a legal survey of the property on which the mobile sign is located or is intended to be located.

7. At any one property a maximum of two (2) mobile signs may be erected at any one time provided that there is a minimum distance of 30 meters between each mobile sign on the same property in accordance with Section 8.

8. No mobile sign permit shall be issued for a property at a municipal address or location where a hiatus period has not transpired.

9. No person shall make application for a mobile sign permit who is not the owner, or the authorized agent of the owner of the property on which the mobile sign is to be placed.

10. No person, or his agent shall submit false or misleading information or documents or make omissions that may mislead in connection with any application for a mobile sign permit, or revision thereto.

11. No person, or his agent shall apply for or receive mobile sign permits which total more than 360 days for any property within any one (1) calendar year in accordance with sections 7 and 8 above.

12. Applications will be processed in order of date and time received but no permit will be issued for a property which already has a mobile sign permit and until that mobile sign permit and hiatus period have expired

13. A person or his agent or a permit holder may erect, display or otherwise use a mobile sign or cause to erect, display or otherwise use a mobile sign where the sign is not in the "downtown core" (as defined on Schedule "A" to this By-law) and:
    (a) is located on property which is zoned as:
        (i) a "commercial district" including:
            1. the "G" Districts including "G", "G-1", "G-2" and "G-4" [except "G-3" (Public Parking Lot) District]; and
            2. the "H" and "HH" Districts; or
        (ii) an "industrial district" including:
            1. the "J" and "JJ" Districts;
            2. the "K" and "KK" Districts; and
            3. the "M" Districts, including "M-11", "M-12", "M-13", "M-14", and "M-15";
    (b) notwithstanding (a) above, is located in a City owned park and is being used in conjunction with a City of Hamilton or Regional Council approved special event;
    (c) is in good repair and has not become unsafe, unsightly or dangerous;
    (d) is situated at grade;
    (e) where it is electrically illuminated, has Ontario Hydro safety code approval;
    (f) where it is utilizing electrical power, uses only an electrical cord that has C.S.A. approval;
    (g) is located on private property and is not located on a road allowance;
    (h) where it is located within 100 feet (30.5 metres) of a residential zone, is equipped with a timer to turn off the light source in order to eliminate any annoyance to persons in the adjoining residential zones between the hours of 10:00 P.M. and 8:00 A.M.;
    (i) has the name and telephone number of the owner of the mobile sign affixed to the mobile sign at a clearly visible location;
    (j) has not greater than $5.6m^2$ of sign area per face with no one dimension greater than 2.4m; and
    (k) has a sign height that does not exceed 2.4m.

14. No person, or his agent or permit holder, shall erect, permit to be erected, display or otherwise use a mobile sign or cause to erect, display or otherwise use a mobile sign on lands or buildings owned, rented, leased or occupied by them:
    (a) for more than 60 consecutive days;
    (b) for more than 180 calendar days per year;
    (c) on a property where a previous mobile sign permit has expired and no further permits are available in accordance with subsections (a) and (b) above;
    (d) the content of which would indicate a contravention of any zoning or other by-law, Act or regulation enforceable in the municipality;
    (e) contrary to the approved location on a sketch, and contrary to information on the application, in respect of which the mobile sign permit was issued;
    (f) so as to obstruct openings required for light and ventilation, any required means of egress or required access for fire fighting;
    (g) at any location where the sign obstructs the sightlines and view or any unimpeded mobility of any pedestrian or driver of a motor vehicle or obstructs the visibility of any traffic sign or device;
    (h) which obstructs or otherwise interferes with an exit door or fire escape, fire exit route, fire hydrant, or yard hydrant so as to prevent or impede the free access of emergency vehicles and personnel to emergency equipment or to any part of a building requiring such access;
    (i) which obstructs or otherwise impedes the parking of a motor vehicle or is situated in a required parking or manoeuvring area;
    (j) with electrical wiring in the path of vehicular or pedestrian traffic;
    (k) which has flashing or moving lights;
    (l) which has moving, spinning or rotating parts or has any mechanical or electronic device to provide or simulate motion;
    (m) which in whole, or in part is an electronic variable message centre;
    (n) which emits illumination resembling an emergency light or traffic regulating device;
    (o) prior to the issue date set out in the mobile sign permit;
    (p) which would be an unsafe sign;
    (q) within 50 feet (15 metres) of the closest edge of the nearest mobile sign;
    (r) within 30 feet (9 metres) of the intersection of two streets;
    (s) within 50 feet (15 metres) of a residential district;

(t) where the setback from property lines to the mobile sign is less than 1.5 metres;
(u) where the mobile sign is elevated on any temporary or permanent object which is being used as the base for a mobile sign or part of a mobile sign structure;
(v) where the property is zoned anything other than that indicated in section 13;
(w) where the property on which the mobile sign is located is zoned "residential";
(x) where the property on which the mobile sign is situated is located, in the downtown core as shown on Schedule "A" of this By-law;
(y) where two mobile sign permits have already been issued for the property and have not expired;
(z) where a hiatus period has not expired;
(aa) where the mobile sign would not comply with this or any other by-law;
(bb) which has more than two sign faces or any one sign face which exceeds 5.6m^2 in area or has any one dimension that is greater than 2.4m;
(cc) which has a maximum height measured from grade greater than 2.4m; and

15. A person or his agent shall place the mobile sign at the municipal address of the person named on the application.

16. The permit fee as set out in Schedule "B" shall be submitted with each application for a mobile sign permit.

17. The permit fee as set out in Schedule "B" does not apply to an application for a Council or Regional Council approved special event.

REVOCATION OF A PERMIT

18. A mobile sign permit may be revoked by the Chief Building Official or his designate under the following circumstances:
(a) where the mobile sign does not conform to this By-law and amendments thereto;
(b) where the mobile sign does not conform to any regulation, law or requirements of any governmental authority having jurisdiction over the area where the sign is situated;
(c) where the mobile sign permit has been issued as the result of false, incorrect or misleading statements;
(d) where the mobile sign permit has been issued in error by the Chief Building Official or his designate.

VARIANCES

19. (a) Where the applicant or person in control of a sign for any reason is unable to comply with the provisions and regulations under this by-law, such person may apply to the Council for a minor variance from the provisions and regulations of this by-law.

The Council shall hear all such applications and may authorize minor variances from the provisions and regulations of this by-law.

(b) All applications for a minor variance shall be submitted to the Chief Building Official and must be accompanied by a cheque or cash, in the amount of three hundred dollars ($300.00). The variance fee shall not be refundable.

PENALTIES AND ENFORCEMENT

Removal of Illegal Mobile Signs

20. (a) When a mobile sign is erected or displayed in contravention of the provisions of this By-law, the mobile sign shall be removed immediately without notice, where located on, over, partly on, or partly over, property owned by or under the jurisdiction of the City of Hamilton;
(b) Where a mobile sign is located on property other than property owned by or under the jurisdiction of the City of Hamilton, the Chief Building Official or his designate may forward a notice, by personal service or regular post, to the Lessee or owner of the sign, or their agents, or to the person or agent having the use or

major benefit of the mobile sign, requiring that the mobile sign be permanently removed within the time specified in the Notice and thereafter not replaced with any mobile sign in contravention of this By-law;

(c) If the Notice is not complied with the Chief Building Official or his designate may require that the municipality, its employees, or an independent contractor enter upon the land and remove such mobile sign. The owner of the land upon which the mobile sign was located shall pay for any costs or expenses of the City. Such costs or expenses may be recovered in like manner as municipal taxes under the provisions of Section 326 of the Municipal Act, R.S.O. 1990, c.M.45 as amended from time to time;

(d) where a mobile sign is deemed by the Chief Building Official or his designate to be in such a condition or location that it is or may be a hazard to the public, the Chief Building Official or his designate may either serve written notice to the owner or tenant of the property on which, or in front of which such mobile sign is located, to remove such mobile sign or make the same safe, or without giving notice to the owner or tenant of the property on which such mobile sign is located, cause such mobile sign or structure to be removed;

(e) any sign removed pursuant to this Section may be deposited on the property on which or in front of which it was located or removed;

(f) mobile signs removed shall be stored by the City for a period of time of not more than thirty (30) days, during which time the owner or his agent may be entitled to redeem such mobile sign upon the payment to the City of a one hundred dollar ($100.00) fee in addition to any applicable costs or expenses referred to in subsection (c) above;

(g) where a mobile sign has been removed by the City and stored for a period of 30 days and has not been redeemed, such mobile sign shall be forthwith destroyed or otherwise disposed of by the City.

Penalty for Non-Compliance

21. (a) Any person who, on his own or by his agent, contravenes any of the provisions of this By-law is guilty of an offence and liable upon conviction under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended from time to time to a fine of not more than five thousand dollars ($5,000.00), exclusive of costs, for each offence. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and may be punishable as such thereunder. Such fine shall be recoverable under the Provincial Offences Act.

(b) Where a person has been convicted of an offense under this By-law the Court may in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offense or the doing of any act or thing by the person convicted, directed toward the continuation or repetition of the offense.

(c) Neither the granting of a permit nor the approval of the drawings and specifications, nor inspection made by the authority having jurisdiction during the erection of a sign shall, in any way, relieve the owner of such sign, tenant or the owner of property on which the sign is located, from full responsibility for carrying out the work in accordance with the provisions of this By-law.

Liability

22. Any persons erecting or maintaining any mobile sign or on whose property a mobile sign is located, shall be liable for such mobile sign. The municipality is hereby indemnified from and against all manner of claims for damages, loss, expense or otherwise arising from the erection, maintenance, removal or falling of such mobile sign or part thereof.

Notice

23. Any notice required to be given under this By-law is sufficiently given if delivered personally or sent by regular mail addressed to the person making application for permit to erect a mobile sign, or where such sign is existing, by ordinary mail to the owner or tenant, according to the last revised Assessment Roll of the municipality, of the property on which, or in front of which, the sign is located, or at the last address for delivery appearing on the records of the Chief Building Official or his designate.

Schedules

24. All schedules referred to in this By-law and attached to this By-law shall be deemed to be a part of the By-law.

Applicability

25. This By-law shall be applicable to all lands within the corporate limits of the City of Hamilton.

Validity

26. If a court of competent jurisdiction declares any provisions or part of a provision, of this By-law to be invalid or to be of no force and effect, it is the intention of the Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

Meaning

27. For the purpose of this By-law, where the words "his" or "he" is used they shall also mean or stand for the words "her" "she" and "it" in the case of a corporation.

Short Title

28. This By-law shall be known as the Mobile Sign By-law.

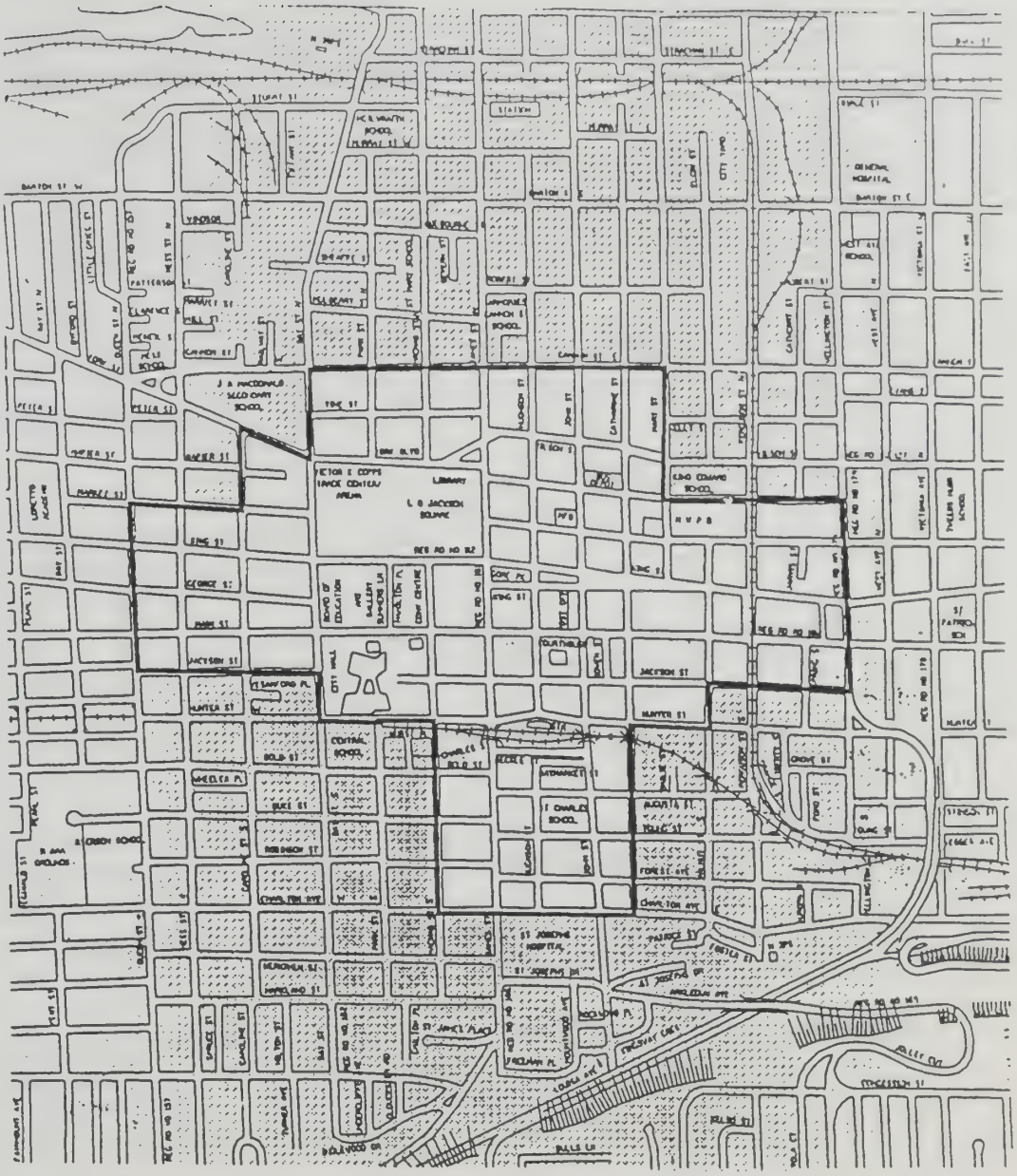
Effective Date

29. Except for section 16, which shall come into force and take effect on the 12th day of May 1997, this By-law shall come into force and take effect on the 12th day of February, 1997.

PASSED this 11th day of February, A.D. 1997

CITY CLERK

MAYOR



This is Schedule "A" to By-Law No 97- 97-026
Passed the 11th day of February, 1997.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of By-Law No. 97- 026

Planning and Development Department

Legend

Delineates Boundary of Downtown Core

North	Scale	Reference File No
	NOT TO SCALE	CI-91-I
	Date	Drawn By
	January 1997	

SCHEDULE "B"

PERMIT FEES

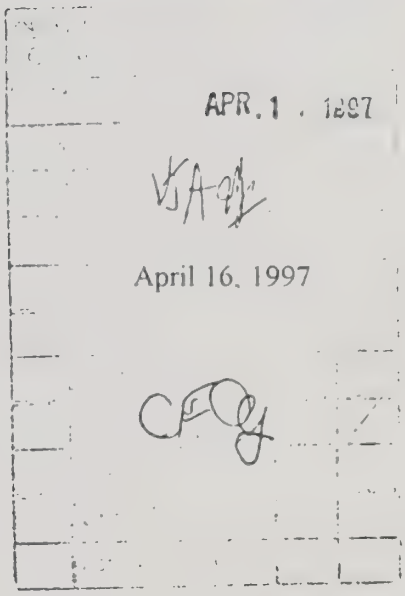
All permit applications shall be submitted to the Chief Building Official and must be accompanied by a cheque or cash, in the amount of thirty-five ($35.00) per two week period.

APPENDIX "B"

Magnetsigns - 1201009 Ont. Inc.

♦♦♦

Phone (905) 385-5913 ♦ Fax 385-5913



City Hall
190 Main Street West
Hamilton, Ontario

Dear City Council Members: RE: MOBILE SIGNS

At the city council meeting in January, new mobile sign by-laws were discussed, and we agreed to abide by these regulations because, obviously, some control needed to be exercised over this advertising medium. Unfortunately, several problems have arisen as a result of these new measures. For example, several of my clients have been threatened by city officials with fines and even told that signs have been banned altogether.

Therefore, I would first suggest that the officials be made aware of who the sign companies are and that every possible effort be made to conduct their business with the sign owners and not the business owners. One of the agreements with our customers is that we will only provide the sign where and for how long the existing by-laws allow for, and that they personally will not have to get involved in this issue, much less a confrontation regarding it.

I also wish to request that the following amendment to the by-law, as it stands, be considered: Presently each plaza, regardless of size and number of businesses is allowed two signs. This means that if the plaza is made of ten or twelve businesses, and each business used the sign for a 180-day period, several of the stores would have to book years in advance for their advertising space. Would it not be more equitable if:

- the 180-days be restricted to each <u>business</u> instead of each sign;

- the hiatus period be per business instead of per sign; and

- the number of signs per property be in ratio to the number of businesses in the plaza.

We at Magnetsigns are sure that in the course of the next few months a number of "wrinkles" can be ironed out of this new sign control measure, and that by working closely with one another in a spirit of co-operation, we can indeed reach an accord that will make the City of Hamilton, its hard-working small business owners, and finally, sign owners themselves satisfied and prosperous.

Yours truly,

Angelo B. Alongi

c.c. Tina Agnello
Secretary Planning & Development Committee

6.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1997 May 7
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1997 April 23

B. BUILDING COMMISSIONER

(a) 170 Simcoe St E - demolition

(b) 172 Simcoe St E - demolition

(c) Barton Street Revitalization

(d) 340 Barton Street East - Commercial Property Improvement Loan Program

(e) 948 King Street West - Commercial Property Improvement Loan Program

(f) 950 King Street West - Commercial Property Improvement Program

(g) 344 East 37th Street - Hamilton Emergency Loan Program

(h) 1997 Annual Conference of the Association of Committees of Adjustment

C. DIRECTOR OF PLANNING AND DEVELOPMENT

a) Request for a Waiver from an Environment Impact Statement - 206 Dumbarton

b) "Wisemount Estates - Phase 8", Hamilton (Cash Payment in Lieu of 5% Parkland Dedication)

c) "Wisemount Estates - Phase 7", Extension of Part Lot Control By-Law.

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

a) Repealing of By-Law 96-114 respecting 775-779 Upper Wentworth Street

b) Information Item

A.

Wednesday, 1997 April 2
9:30 o'clock a.m
Room 233, City Ha

The Planning and Development Committee met.

There were present:
Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Mayor R. M. Morrow
Alderman G. Copps
Alderman Wm. McCulloch
Alderman F. Eisenberger
Alderman M. Caplan
Alderman B. Charters
Alderman H. Merling

Regrets:
Alderman M. Caplan, Religious Observance

Also present:
Alderman M. Kiss
Alderman D. Ross
Keith Extance, Planning and Development Department
Bill Janssen, Planning and Development Department
Joanne Hickey-Evans, Planning and Development Department
Patrice Noé Johnson, City Solicitor
Roland Karl, Public Works and Traffic Department
Eugene Chajka, Regional Environment Department
Len King, Building Commissioner
Peter Lampman, Building Department
Larry Harvey, Building Department
Tina Agnello, Secretary

1. Rental Housing Protection Act Application CD-96-005 - 155 Market Street, Central Neighbourhood

A submission was received in the form of a petition from the residents of 155 Market Street.

Keith Extance advised that the application is to convert 111 apartments to condominium units. Presently there are 12 bachelor units renting for $389 per month which will sell for $40,000, 72 one-bedroom units renting for $428 per month which will sell for $47,900 per unit and 27 two-bedroom units renting at $526 per month, which will sell for $57,900 per unit.

He explained that, under the Rental Housing Protection Act, removal of units must not affect the Rental Housing rate. In the lower City, the vacancy rate is 1.4% which is under the 2% benchmark used. Rentals are below average for the City and for the downtown core; therefore the condominium conversion adversely affects rental housing stock. As such, the Planning Department is recommending denial of the application.

Manfred Rudolph was present on behalf of the applicant. He asked that the matter be tabled so that the applicants may speak to the tenants and come back to the Committee. He requested a two month tabling since they would like to speak to each individual tenant.

Alderman McCulloch stated that he has met with the applicant and it is not unreasonable to have a two month tabling. He stated however that the Committee must determine what is in the best interest of the tenants.

Following brief discussion, the Committee resolved that the report of the Director of Planning and Development dated 1997 April 11 be tabled for a period of two months.

2. **Zoning Application 96-05 and Plan of Subdivision SAC-96-01 by Paul Silvestri, Owner, for Changes in Zoning for Lands Located at 177 Rymal Road East**

Page 8, which was inadvertently missing from the Report, was distributed to the Committee members.

The Committee was in receipt of correspondence from Terry Johns of May Pirie Daikin and Associates on behalf of Paul Silvestri requesting a modification to the Site Specific By-law to allow for the retention of the existing home at 177 Rymal Road with a rear yard of four metres.

Joanne Hickey-Evans explained that this application had been previously tabled in December, 1996. It is now coming before the Committee with 19 single family detached dwellings. 177 Rymal Road East is an existing dwelling and the owner wishes to retain the lands and that dwelling and asks that the yard setback be recognized. Ms. Hickey-Evans advised that the R-4 Zoning will have a holding provision on it until servicing is available.

As recommended in a report dated 1997 April 15 from the Director of the Planning and Development Department the Committee recommended to Council the following as amended:

A. (a) That approval be given to Amended Subdivision Application 96-01 (Regional File No. 25T-96001), Paul Silvestri, owner, to establish a draft plan of subdivision "Olmsted Park", for lands located north of Rymal Road East and west of Upper Wellington Street, known municipally as 177 Rymal Road East and 1684 Upper Wellington Street, comprising of 19 lots for single detached dwellings, a future road, 5 blocks to be developed with the adjacent lands to the north and east for single detached dwellings, 3 blocks for road widenings and 5 blocks for 0.30 m reserves, subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by A.J. Clarke and Associates Ltd., and certified by B.J. Clarke, O.L.S., dated April 14, 1997, showing 19 lots for single detached dwellings, a future road, 5 blocks to be developed with the adjacent lands to the north and east for single detached dwellings, 3 blocks for road widenings and 5 blocks for 0.30 m reserves (see attached Appendix "A"); and,

(ii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,

(iv) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,

(v) That the final plan conform with the Zoning By-law approved under the Planning Act; and,

(vi) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan; and,

(vii) That a 2m by 2m daylight triangle for road widening purposes from Lot 10 at the L-shape bend in the road be included on the Final Plan of Subdivision; and,

(viii) That the north - south section of Street A must align centreline to centreline with the future street proposed in approved Dicenzo Gardens draft plan of subdivision; and,

(ix) That access to single family residential development be from the mid-block collector and other major collector streets, as provided for in the approved Ryckmans Neighbourhood Plan; and,

(x) That Lots 16, 17, 18, 19, and Block 21 not be developed until the street cul-de-sac is established and constructed to its full width with a minimum right-of-way radii of 15m and minimum 9m radius transitions into and out of the cul-de-sac bulb; and,

(xi) That Blocks 21, 22, 23 and 32 be developed in conjunction with the adjacent lands (Block 409 on "DiCenzo Gardens" draft Plan of Subdivision (25T-86008)); and,

(xii) That Block 20 be developed in conjunction with the adjacent lands; and,

(xi) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands; and,

(xvii) That the owner be required to enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands to satisfy all requirements, financial or otherwise of the City of Hamilton; and,

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-96001(R)), Paul Silvestri, owner, proposed

draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

(c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision; and,

B. (a) That approval be given to Amended Zoning Application ZAC-96-05, Paul Silvestri, owner, for changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District (Blocks "1" and "2") and "C" (Urban Protected Residential, etc.) District (Block "3"), for lands located north of Rymal Road East and west of Upper Wellington Street, known municipally as 177 Rymal Road East and 1684 Upper Wellington Street, as shown on the attached map marked as Appendix "B" on the following basis:

(i) That Blocks "1" and "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District; and,

(ii) That Block "3" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,

(iii) That the "R-4" (Small Lot Single Family) District regulations, as contained in Section 9A of Zoning By-law No. 6593, applicable to the lands shown as Block "1", be modified to include the following special requirement:

(1) That notwithstanding Section 9A.(2)(b) of By-law No. 6593, the single family dwelling existing at the time of the passing of this by-law, known municipally as 177 Rymal Road East, shall provide and maintain the following setbacks:

(a) 9.9 metres from the northerly lot line;
(b) 4.3 metres from the southerly lot line;
(c) 1.2 metres from the westerly lot line;
(d) 1.2 metres from the easterly lot line; and,

(iv) That the amending By-law applicable to Block "2" apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the availability of all such municipal services for the subject lands as the City deems necessary to service the proposed development.

City Council may remove the 'H' symbol, and thereby give effect to the "C" District, provisions as stipulated in the By-law by enactment of an amending By-law once the condition is fulfilled; and,

(v) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - 1379, and that the Blocks "1" and "2" on Zoning District Map E-9D be notated S - 1379; and,

(vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council; and,

(vii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,

(b) That upon finalization of the zoning by-law and draft plan approval of the amended subdivision plan, that the approved Ryckmans Neighbourhood Plan be amended to revise the local road pattern and to redesignate the subject lands from "Attached Housing" to "Single and Double Residential".

3. **Zoning Application 97-07, by 822827 Ontario Inc. (A. DiSilvestro, President), Owner, for Changes in Zoning for Lands Located West of Kenilworth Avenue and North of Limeridge Road East and South of Locheed Drive.**

Joanne Hickey-Evans advised that this application proposes to develop 67 street townhouses, one block of single family and a road widening.

Ms. Hickey-Evans continued by stating that staff cannot support the application because the park lot which is in the rear of the backyards of the development is an isolated site and is not good planning. She did state however, that staff can support an amended application without the park being located in the centre and referred to an Appendix in the report showing a Site Plan with amended lot configuration.

Antonio DiSilvestro stated that the land is a part of a 33 acre undeveloped parcel. He pointed out that the Police Report is not against the park. He stated that the development provides jobs and housing for people who cannot afford single family homes.

Dan Funicello of Knights Court was present. He is not opposed but is concerned that lower income townhouses cause vandalism. He agrees with the proposal because the townhouses are in the range of $140,000 each.

Alderman Jackson stated that Mr. Cosentino, a resident in the neighbourhood, is also present. He said he agrees with the revised plan and would like the opportunity to sit down with staff to discuss reconfiguration of the parkland. He continued by stating that a public meeting has been held in the neighbourhood. He suggested going ahead with part of the proposed plan but tabling a quadrant of the plan to be developed at a later date.

Alderman Charters concurred and stated that the section in the plan up to and including lot 53 be approved as shown on the amended Draft Plan of Subdivision and that the odd triangular-shaped portion corning on Racamulto Street and facing onto Upper Kenilworth Avenue be tabled. Alderman Charters also added that the issue of open space must be addressed and that he is pleased that the townhouse project is of a good quality all-brick construction.

Alderman Merling concurred.

Alderman Copps stated that it is not necessarily the case that lower income townhouses cause problems in response to Mr. Funicello's comments.

Mr. DiSilvestro stated that the park as proposed would be an asset to the community.

Following discussion, the Committee resolved to have partial approval of the Plan for lots up to and including number 53 as shown on the amended Draft Plan of Subdivision in the report and that the irregular triangular-shaped portion cornering on Racamulto Street and facing onto Upper Kenilworth Avenue be tabled and that this recommendation be forwarded to Council as follows:

A. (a) That the amended request by 822827 Ontario Inc. (A. DiSilvestro) for a revised plan of subdivision "Wisemount Estates" (File No. 25T-83004(R)), for lands located west of Upper Kenilworth Avenue and north of Limeridge Road East, comprising of 67 lots for street townhouses, 1 lot for a single family dwelling, 1 block to be merged with the abutting single family lot, 1 block for parkland, 2 blocks for road widening purposes, 1 block for a small lot single family dwelling, as shown on the attached map marked as Appendix "C", be denied; and,

(b) That amended Zoning Application ZAC-97-07, 822827 Ontario Inc., owner, for changes in zoning from "DE-2" (Multiple Dwellings) District to "RT-30" (Street - Townhouse) District (Block "1"); from "DE-2" (Multiple Dwellings) District to "RT-30" (Street - Townhouse) District (Block "2"); from "E-2" (Multiple Dwellings) District to "RT-30" (Street - Townhouse) District (Block "3"); from "E-2" (Multiple Dwellings) District to "RT-30" (Street - Townhouse) District (Block "4"); and, from "E-2" (Multiple Dwellings) District to "R-4" (Small Lot Single Family) District (Block "5") for lands located west of Upper Kenilworth Avenue and north of Limeridge Road East, as shown on the attached map marked as Appendix "D", be denied for the following reasons:

(i) the dedication of Block 69 to the City of Hamilton as a park block cannot be supported for the following reasons:

(1) since it is an isolated site which has no visibility from the street and will be fenced on all sides from the adjacent residential properties, it may not be possible to see the activities that are occurring in the park (eg dogs running off the leash); and,

(2) due to the size of the proposed park, there are potential land use conflicts such as noise emanating from the park and encroachments by abutting property owners into public space, etc.; and,

(3) the size is too small for neighbourhood park facilities; and,

(ii) the development of Block 69 as a private park cannot be supported given that if the property standards are not maintained, the City may incur significant costs enforcing the property standards backyard by-laws. If the City should gain ownership of this parcel of land in the future, the municipality would assume responsibility for maintenance and policing of the land; and,

B. (a) That the red-line revised plan of subdivision "Wisemount Estates" (File No. 25T-83004(R)), for lands located west of Upper Kenilworth Avenue and north of Limeridge Road East, comprising of 52 lots for street townhouses, 1 lot for a single family dwelling, 1 block for future development, 2 blocks for road widening purposes, and 1 block for a public walkway, be approved subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by Urbex Engineering Limited and J.D. Barnes Limited (surveyor), dated March 20, 1997, showing 52 lots for street townhouses, 1 lot for a single family dwelling, 1 block for future development, 2 blocks for road widening purposes, and 1 block for a public walkway (see attached Appendix "E"); and,

(ii) That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,

(iii) That the Owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,

(iv) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,

(v) That the final plan conform with the Zoning By-law approved under the Planning Act; and,

(vi) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan; and,

(vii) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

(1) All erosion and sediment control measures will be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,

(2) That the Owner provide a summary inspection report every 14 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial measures taken, to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,

(3) Areas not scheduled for development within 45 days or over the winter months should be left with existing vegetation in place. If the area has been previously graded, all disturbed areas should be revegetated using seed and mulch; and,

(4) All disturbed areas will be revegetated with permanent cover immediately following completion of construction; and,

(viii) That the owner dedicate Block 56, being a 3.048 m road widening for Limeridge Road, to the City of Hamilton; and,

(ix) That the owner dedicate Block 57, being a 5.18 m road widening for Upper Kenilworth Avenue, to the City of Hamilton; and,

(x) That the Owner establish Street "A" to its full 18.0 m width and that these lands be conveyed to the City of Hamilton at the time of registration of the final plan of subdivision. All works must be completed to the satisfaction of the Senior Director, Roads Department; and,

(xi) That the Owner provide the Region with documentation to the satisfaction of the Regional Environment Department and Utility Corporations (Hamilton Hydro, Union Gas, Bell Canada and Cable TV) that the standard roadway cross-section, utilities and municipal sidewalks etc., for a 20.0m road allowance, can be installed on both sides of Street "A", proposed at 18.0m width; and,

(xii) That the Owner construct sidewalks on both sides of Street "A" and that a combined walk and curb is to be constructed to the satisfaction of the Regional Environment Department; and,

(xiii) That 1 m by 1 m daylight triangles be included on the Final Plan of Subdivision at the intersection of Street "A" and Limeridge Road, as widened and Street A and Upper Kenilworth Avenue, as widened; and,

(xiv) That a minimum 4 m by 4 m daylight triangle be included on the Final Plan of Subdivision at the 90 angle in Street "A" adjacent to Lot 42; and,

(xv) That Block 55, being a 6.0 m wide public walkway be dedicated to the City of Hamilton and the costs to construct the walkway are the responsibility of the applicant/owner; and,

(xvi) That the Owner pay all costs for servicing, etc. on Street A adjacent to Block 55; and,

(xvii) That the Owner convey Blocks 58, 59, 60 and 61, being 0.30 m wide reserves along Lots 4, 52, 29 and 28 respectively, to the City of Hamilton, by deed, at the time of registration of the Final Plan of Subdivision; and,

(xviii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,

(xix) That Street "A" be dedicated to the City of Hamilton as a public highway on the Final Plan of Subdivision; and,

(xx) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands; and,

(xxi) That the Owner be required to enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands to satisfy all requirements, financial or otherwise of the City of Hamilton; and,

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-83003(R)), 822827 Ontario Inc., owner, proposed revised draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

(c) That the Regional Commissioner of Environment be advised that the City of Hamilton requests that the Draft Approved plan of Subdivision "Wisemount Estates - Phase 8" (Regional File No. 25T-83004) be revised to incorporate a 6.0m wide block, for use as a public walkway, in accordance as shown on the attached map marked as Appendix "E", connecting Block 55 with Locheed Drive, that the lotting pattern be amended accordingly. In addition, it is requested that the conditions of draft approval be amended to require that the applicant dedicate the subject land as a Public Walkway to the City of Hamilton; and,

(d) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision; and,

C. That approval be given to amended Zoning Application ZAC-97-07, 822827 Ontario Inc., owner, for changes in zoning from "DE-2" (Multiple Dwellings) District to "RT-30" (Street - Townhouse) District (Block "1"); from "E-2" (Multiple Dwellings) District to "RT-30" (Street - Townhouse) District (Block "2"); from "E-2" (Multiple Dwellings) District to "R-4" (Small Lot Single Family) District (Block "3"); and from "R-4" (Small Lot Single Family) District to "A" (Conservation, Open Space, Parkland and Recreation) District (Block 4) for lands located west of Upper Kenilworth Avenue and north of Limeridge Road East, as shown on the attached map marked as Appendix "F", on the following basis:

(i) That Block "1" be rezoned from "DE-2" (Multiple Dwellings) District, modified, to "RT-30" (Street - Townhouse) District; and,

(ii) That Block "2" be rezoned from "E-2" (Multiple Dwellings) District, modified, to "RT-30" (Street - Townhouse) District; and,

(iii) That Block "3" be rezoned from "E-2" (Multiple Dwellings) District to "R-4" (Small Lot Single Family) District; and,

(iv) That Block "4" be rezoned from "R-4" (Small Lot Single Family) District to "A" (Conservation, Open Space, Parkland and Recreation) District; and,

(v) That Block "5", for a change in zoning to the established "E-2" (Multiple Dwellings) District, modified, be tabled; and,

(vi) That the "RT-30" (Street Townhouse - Maisonette) District regulations, as contained in Section 10F of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special requirements; and,

(1) That in addition to the requirements of Section 10F.(4)(a) of Zoning By-law No. 6593, a minimum front yard having a depth of not less than 8.0 m to the garage or carport where the lot fronts onto a road allowance that is less than 20.0 m in width shall be provided and maintained; and,

(vii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1378, and that the Blocks "1" and "2" on Zoning District Map E-59A be notated S-1378; and,

(viii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59A for presentation to City Council; and,

(ix) That, upon finalization of the implementing zoning by-law, the Lisgar Neighbourhood Plan be amended as follows:

(1) that the public highway shown as Street "A" on Appendix "B" be added to the Neighbourhood Plan; and,

(2) that Blocks "1" and "2", as shown on Appendix "A" be redesignated from "Medium Density Apartments" to "Attached Housing"; and,

(3) that the existing sewer easement/walkway be redesignated from "Open Space" to "Single & Double" and that the new location of the walkway be designated as "Open Space" and labelled as a "6m Walkway"; and,

(x) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

4. **Zoning Application 97-01, by Vedemo Construction Limited, Owner for a Change in Zoning from "RT-20" District, Modified to "DE-2" District for Lands Located West of Donn Avenue and South of Highridge Avenue.**

A submission was received from David A. Elliott of Agro, Zafiro, Parente, Orzel and Baker, Solicitors, on behalf of the applicant requesting that the matter be tabled in order that his client and advisors can meet with staff to discuss the application further since they had just received the staff's recommendation.

A submission was also received from the City of Stoney Creek advising that the City has received the application for information and has no objection to the approval of the proposed Zoning By-law amendment.

In response to a question from Alderman Drury, Joanne Hickey-Evans advised that the applicant is more than willing to pay for the second circularization for the application if necessary.

Alderman Eisenberger stated that the application should be denied because the property in question has come before the Committee on other occasions and there is not a good reason for a tabling motion.

Alderman Collins concurred.

The Committee did not entertain a motion to table and approved the recommendation of the Director of Planning and Development dated 1997 April 15 to deny the application and recommended to Council as follows:

That Zoning Application 97-01, Vedemo Construction Ltd., owner, requesting a change in Zoning from "RT-20" (Townhouse - Maisonette) District, modified to "DE-2 (Multiple Dwellings) District for lands located west of Donn Avenue and south of Highridge Avenue, to permit two 4-storey apartment buildings with a total of 92 units, as shown on the attached map marked as Appendix "G", be denied for the following reasons:

(a) It conflicts with the intent of the Official Plan in that:

(i) the proposed apartment buildings do not provide for a gradation of density in that the apartment buildings would be adjacent to singe detached dwellings; and,

(ii) the preferred location for multiple dwellings is at nodes centred at the intersection of arterial and collector roads. The proposed multiple family dwellings would have access from a local road only; and,

(b) It conflicts with the approved Neighbourhood Plan in that the subject lands are designated "Attached Housing" on the approved Riverdale East Neighbourhood Plan. The proposed use is consistent with the "Medium Density Apartments" designation. The preferred location for multiple family dwellings is at the intersection of arterial and collector roads.

5. DIRECTOR OF PLANNING AND DEVELOPMENT

(a) Site Plan Control Application DA-96-03 and Zoning Application ZAC-92-30 for a Temporary Garden Centre at 1468-1478 Upper James Street.

I As recommended in a report from the Director of Planning and Development dated 1997 April 10, the Committee recommended to Council as follows:

That Item 11.B. of the Nineteenth (1992) Report of the Planning and Development Department to City Council on 1992 November 10, respecting Zoning Application ZAC-92-30 by Mr. and Mrs. E. Ciardullo, for lands at 1468 and 1478 Upper James Street, as shown on the attached map marked as Appendix "H", be amended:

(a) by deleting 11.B.(a), and replacing it with the following:

"That the "AA" (Agricultural) District regulations as contained in Section 7A of Zoning By-law No. 6593, and the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified in accordance with Section 39 of the Planning Act, R.S.O. 1990, to permit the temporary use of the lands for a garden centre/nursery and related uses until February 28, 1999, subject to the special following provisions:

(i) That notwithstanding Sections 4(3)a , 7A(1) and 9.(1) of Zoning By-Law 6593, a garden centre and associated parking and an ancillary single family dwelling shall be permitted; and,

(ii) That notwithstanding Sections 7A(1) and 9.(1) of Zoning By-Law 6593, a business identification sign shall be permitted in accordance with the requirements of Section 13.(1)(xv) of Zoning By-Law 6593, and a ground sign shall be permitted in accordance with the requirements of paragraph two of Section 14A.(3)(a) of Zoning By-Law 6593; and,

(iii) That notwithstanding the provisions of Section 9(3)(ii) of Zoning By-law 6593, a southerly side yard of 0.0m is permitted for the accessory single family dwelling; and,

(iv) That notwithstanding the provisions of Section 18A (14a) of Zoning By-law No. 6593, parking may be provided in the required front yard and not less than 40% of the gross area of the front yard shall be used for landscaped area; and,

(v) That notwithstanding the provisions of Section 18A (26) of Zoning By-law 6593, the access driveway may be 0.0m from the southerly boundary line of Block "B"; and,

(vi) A landscape strip having a minimum width of 1.5m shall be provided and maintained along the northerly boundary of Blocks "A" and "B"; and,

(vii) That a minimum 6.0m wide landscape strip shall be provided and maintained along the westerly boundary of Block "A"; and,

(viii) That a fence not less than 1.2m and not more than 2.0m in height shall be provided and maintained along the westerly and northerly boundary of Block "A"; and,

(ix) That Section 18A (30) of Zoning By-law 6593 shall not apply."; and,

(b) by adding a new clause 11.E as follows:

"That the temporary use and the temporary use by-law shall terminate on February 28, 1999."

II The Committee also resolved as follows:

That approval be given to Site Plan Control Application DA-96-03 by Mr. and Mrs. E. Ciardullo, owners of lands known as 1468 and 1478 Upper James Street, as shown on the attached map marked as Appendix "I" for temporary Garden Centre and residence, as shown as existing conditions on the submitted plan, and that registration of a Site Plan Agreement not be required.

(b) **City Initiative to Remove "Waste Processing" from the "K" (Heavy Industrial, etc.) District**

Alderman Copps stated that there are speakers in the gallery who wish to be recognized.

The Committee granted approval for them to speak.

Grant Howell of Simpson, Wigle, Barristers and Solicitors, was present. He submitted a letter to the members of the Planning and Development Committee dated 1997 April 22. He suggested that Light Industrial designation may be considered and that also downzoning of special policy areas to prevent the establishment of waste processing facilities. He outlined the letter that a narrow focus could be adopted, that there could be encouragement of development which is not consistent with a waste processing facility and that the Building Department could be requested to deny a Building Permit. He stated that these are alternate ways to proceed.

Tom Plamondon of the Clooney Group, representing co-owners of 17 pieces of land on Frid Street, was present. He stated that there might be some inconsistency between what the "K" Zoning states and what the Official Plan allows. He advised that the redevelopment is of high quality.

The Committee resolved to move into camera to discuss property matters and reconvened with no report.

Alderman Copps asked what the situation is subject to Special Policy Area.

Joanne Hickey-Evans advised that Special Policy Area 11 is an overlay which encourages industrial uses.

The Committee approved the recommendation of the Director of the Planning and Development Department dated 1997 April 15 as follows:

> That the Planning and Development Department be requested to consider undertaking a review of the industrial uses in the "K" (Heavy Industria, etc.) District once the Official Plan review is completed and this study should be included in a future work program.

Subsequently a discussion occurred with regard to correspondence by Mr. Howell. The Committee resolved that the correspondence be referred to the City Solicitor for review and comments in the form of an Information Report.

6. **ALDERMAN W.M. McCULLOCH**

Casino Zoning - Downtown

A submission was received from Ross D. Lewis of A.S.A.P. Holdings dated 1997 April 9.

Mary Pocius of the International Village B.I.A. and Ross D. Lewis of A.S.A.P. Holdings were present. Mr. Lewis stated that his company owns various properties on Wellington, Jarvis and King Streets east of Ferguson Avenue and requested the Committee to take appropriate action to include these properties in the casino area.

Mayor Morrow stated that Mr. Lewis is a long-time taxpayer and owner of property in the community and should be supported. He requested the Committee to pass a motion to include those properties in the casino area.

Following brief discussion, the Committee resolved to recommend to Council as follows:

> That Item 1 of the 6th Report of the Planning Development Committee, approved by Council at its meeting of 1997 April 8, regarding Charity Gaming Clubs, Table Games and Video Lottery Terminals, be amended by deleting the original Appendix "A" and replacing it with a new Appendix "A" as attached hereto and marked as Appendix "J".

7. ALDERMAN M. KISS

Peter Simmons Re: Resurrection of the Kirkendall/Chedoke Neighbourhood Modified Plan Review Committee

The Committee was in receipt of correspondence from Alderman Kiss and Peter Simmons requesting that the Committee be re-activated.

In response to a question from Alderman Drury, Bill Janssen stated that there are a number of Reviews presently underway and that these have been ongoing.

The Committee resolved that the list of Neighbourhood Reviews presently underway by the Planning and Development Department be maintained and the Kirkendall/Chedoke Neighbourhood Modified Plan Review Committee be considered to be re-activated once the other Neighbourhood Plan Reviews are complete.

8. ALDERMAN T. JACKSON

(a) Requirements for Parking Use in Conjunction with a Restaurant in "H" District

Alderman Jackson requested that staff review the matter of the requirement for parking since it has impacted on many business establishments in the area.

Alderman Merling reminded the Committee that the original focus of the "H" zones was to protect the surrounding residential areas as well as the small district businesses.

Following discussion, the Committee directed the Planning and Development Department staff to prepare an Information Report to review parking requirements in conjunction with restaurants in the "H" District.

(b) Information Report from the Building Commissioner Re: Regulation of Mobile Signs, dated 1997 April 1

Alderman Charters stated that as a result of pro-active enforcement, many signs have been pulled in Ward 6. He requested that the only signs to be investigated are those which are on a complaint basis.

Alderman Merling concurred.

Alderman Jackson stated that the charging of fines are another form of taxation.

With regard to the three month window, Len King advised that it is not for enforcement but for charging of fees.

Alderman Copps stated that the By-law must be enforced completely, not on complaint only.

Mr. King advised that if there is no pro-active enforcement then staff will not know if a sign has been there for 180 days or not.

Alderman Eisenberger stated that the By-law applied must be fair to all and there have been many complaints from industrial parks in areas throughout the City.

Alderman D'Amico concurred and added that you cannot exempt one area without exempting another, this will create additional problems.

Alderman Charters stated that there are extenuating circumstances, these businesses have been waiting for an expressway which has not been built.

Alderman Merling added that they haven't opened up roads, such as Arbour Road, which were to help out the industrial parks. The City has not done as promised. He requested that the signage not be enforced at least until the construction which is underway is completed and the roads are opened up again.

In response to a question from Alderman Eisenberger, Mr. King advised that if you want the request dealt with on a case-by-case basis there is a variance procedure through the Committee.

Following brief discussion the Committee resolved as follows:

(a) That due to extenuating circumstances as a result of limited road access caused by the reconstruction of roads in the East Mountain Industrial Business Park, staff enforce, on a complaint basis only, the Mobile Sign By-law in the East Mountain Industrial Park, East of Upper Ottawa Street to the City limits (but not including those establishments fronting onto Upper Ottawa Street), south of Stonechurch Road and North of Rymal Road; and,

(b) That this direction be valid only for the period of construction causing limited road access or 1997 October 31st or whichever should occur later.

The City Solicitor advised that a Mobile Sign Information Report will be forthcoming with regard to a potential injunction.

A discussion ensued with regard to the staff reports which are required by May 12 and that the collection of these will be commencing on May 12.

Following brief discussion the Committee resolved as follows:

That the City Solicitor be directed to prepare an amendment to Mobile Sign By-law 97-026 to extend the non-collection of fees to Friday, 1997 June 13.

9. CONSENT AGENDA

A. ADOPTION OF MINUTES

The minutes of the meeting held 1997 April 2 were adopted as circulated.

THE FOLLOWING RECOMMENDATIONS WERE FORWARDED TO COUNCIL FOR APPROVAL:

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Downtown Business Improvement Area Revised Board of Management, dated 1997 April 17:

That Schedule 'B' of By-law No. 97-057, appointing the Downtown Hamilton B.I.A.'s Board of Management be repealed and the following names substituted:

SCHEDULE 'B'

J. Livingston	Livingston Furs
R. Harris	Harris and Henderson
C. Jamieson	The Right House
A. Peckham	The Royal Bank
H. Woods	Canadian Imperial Bank of Commerce
K. Findlay	KD Findlay
G. Attard	The Ramada Hotel
D. Broker	Royal Connaught Howard Johnson Hotel
R. Titian	Reggie's Music and Sound
R. Letourneau	Just Imagine Printing
A. Herpers	Herpers, Gowling Inc.
R. Sorenson	Sundried Tomatoes

C. BUILDING COMMISSIONER

(a) and (c) Demolitions for 637 Rosseau Road and 120 Sanford Avenue North, Dated 1997 April 4:

That the Building Commissioner be authorized to issue demolition permits for the following addresses in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended:

637 Rosseau Road
120 Sanford Avenue North

(b) Demolition for 3 Dexter Avenue, dated 1997 April 4:

Alderman Eisenberger requested, and the Committee granted approval to table, this matter.

(d) **203 Strathearne Avenue - Hamilton Emergency Loan Program, dated 1997 April 9:**

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of nine hundred and twenty dollars ($920) be approved for Mae Golden, 203 Strathearne Avenue, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

(e) **280 1/2 Barton Street East - Commercial Property Improvement Loan Program, dated 1997 April 5:**

(i) (1) That a secured loan in the amount of fifty-five thousand and twenty-three dollars ($55,023) to Edith Hoare, carrying on business as Orthopaedic Services, for improvements to 280 1/2 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(2) That a grant from the Barton Street Revitalization Fund in the amount of twenty-five thousand dollars ($25,000) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,

(ii) (1) That an unsecured loan from the Barton Street Revitalization Fund in the amount of ten thousand dollars ($10,000) to Edith Hoare, carrying on business as Orthopaedic Services, exterior storefront improvements to 280 1/2 Barton Street East be approved, subject to fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(2) That a grant from the Barton Street Revitalization Fund in the amount of five thousand dollars ($5,000) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

(f) Barton Street Revitalization - Street Festivals, dated 1997 April 11:

(i) That the budget as outlined in Appendix "K" be approved for a Festival (Streetscaping Ground Breaking Ceremony) to be held 1997 April 18; and,

(ii) That the City Treasurer be authorized and directed to forward $2264.81 ($2831 -20% holdback) for the Festival (Streetscaping

Ground Breaking Ceremony)to the Barton Street B.I.A.. The outstanding balance of $566.20 to be forwarded upon submission of a statement of account.

D. DIRECTOR OF PLANNING AND DEVELOPMENT

"Sheldon Estates", Hamilton (Cash Payment in Lieu of 5% Parkland Dedication), dated 1997 April 7:

(i) That Item 4 of the Planning and Development Committee Report 14-94, approved by Council on 1994 October 11, regarding approval of the cash payment in lieu of 5% parkland dedication in the amount of $18,000 for "Sheldon Estates" be rescinded and replaced with Item (b) below; and,

(ii) That the City of Hamilton accept the sum of $25,300 as a cash payment in lieu of the 5% land dedication in connection with "Sheldon Estates", Hamilton, being the cash payment required under Section 51 of the Planning Act.

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

(a) Canadian and Ontario Planning Conferences, dated 1997 April 15:

(i) That the Chairman or his designate attend the 1997 Canadian Institute of Planner Conference in St. John's, Newfoundland, 1997 July 20-23 and the 1997 Ontario Professional Planners Institute Conference in Windsor, Ontario, 1997 August 20-23; and,

(ii) That costs for attendance be allocated to Alderman Travel account No. CH55201 10010 from the 1997 Operating Budget.

Prior to voting on the motion, the Committee concurred that approval would be given for attendance at both Conferences.

(b) Information Items

The Committee received for information purposes the following items which were received under separate cover:

(i) Building Commissioner re: Demolition of 116 Sanford Avenue North, dated 1997 April 17; and,

(ii) City Solicitor re: Mobile Signs, Ad-Vantage Signs (Private and Confidential), dated 1997 April 17.

10. OTHER BUSINESS

None.

11. ADJOURNMENT

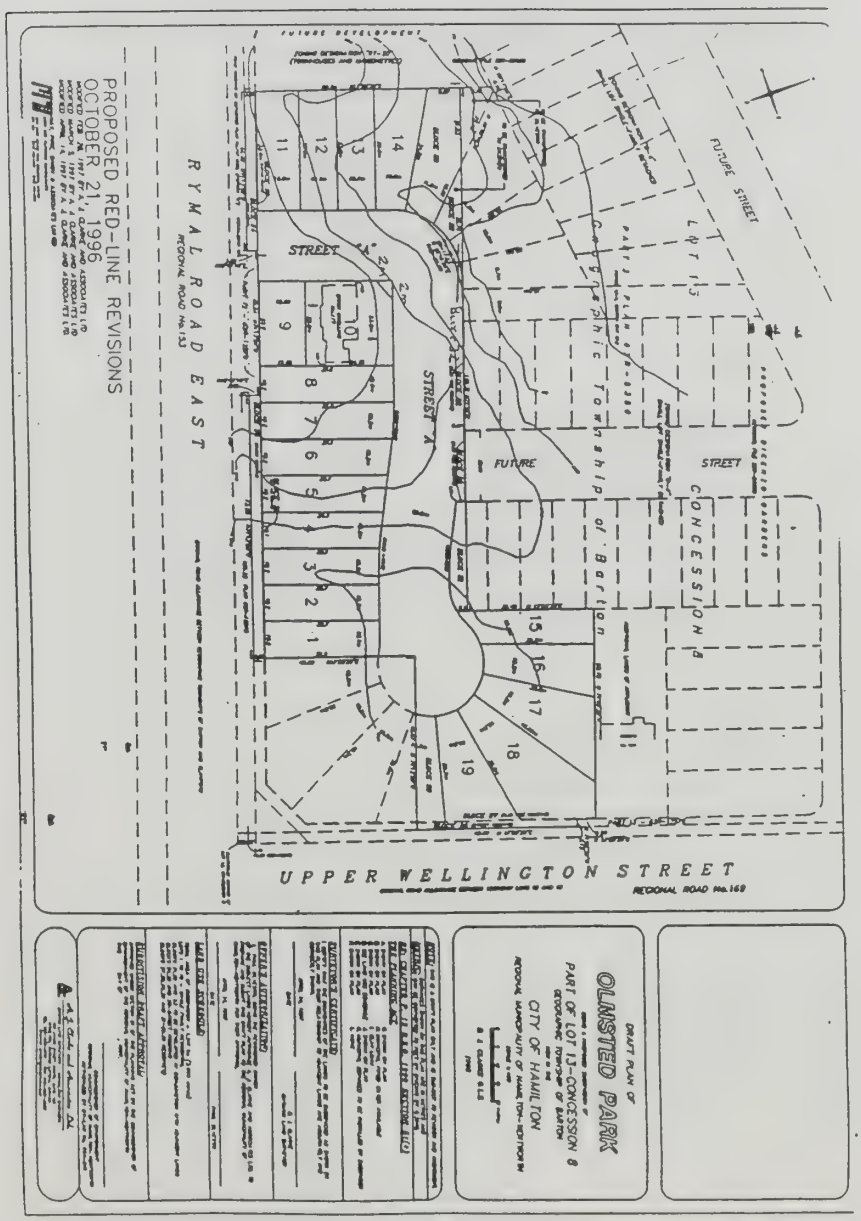
There being no further business, the Committee meeting adjourned.

Alderman D. Drury, Chairman
Planning and Development Committee

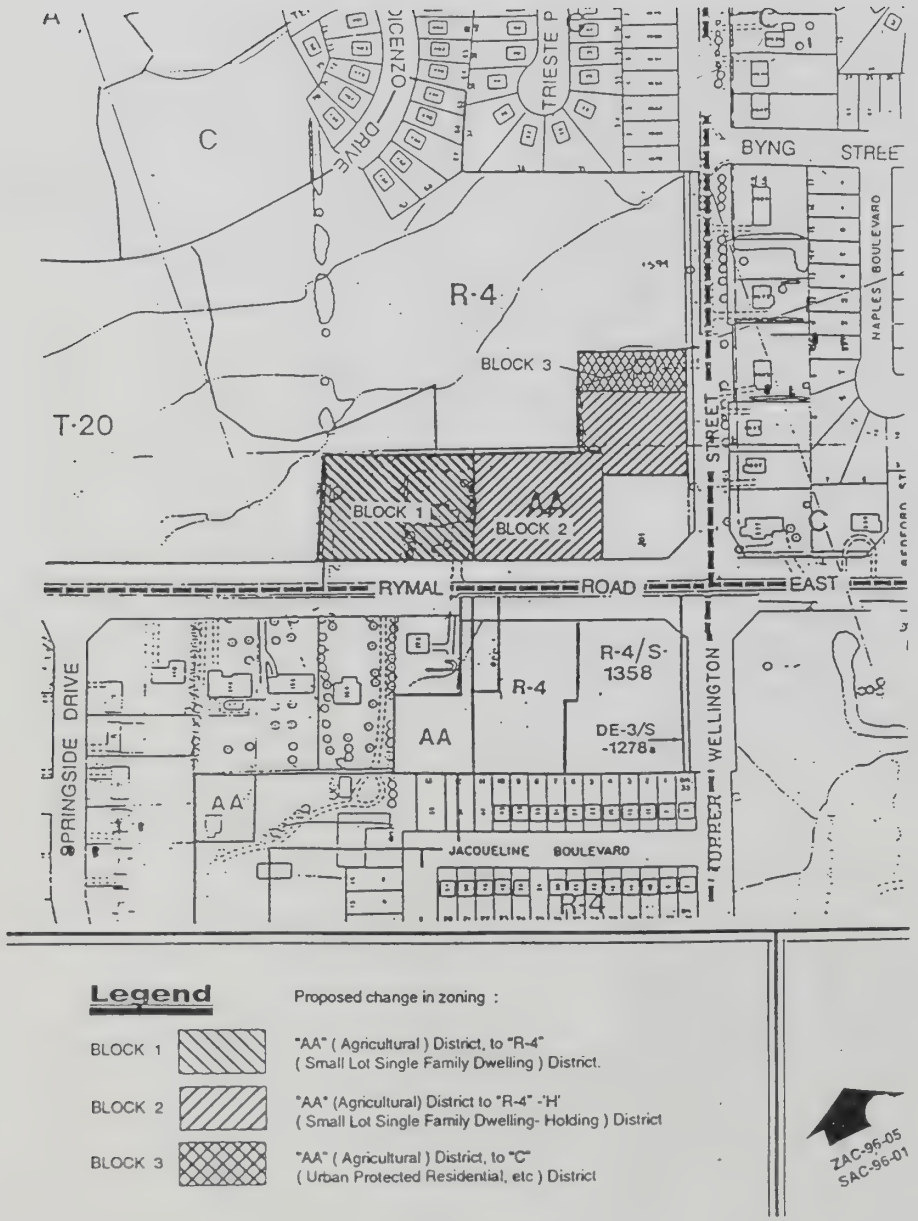
Tina Agnello
Secretary

/jt

Appendix "A" as referred to in Section 2A(a)(i) of the Planning and Development Committe. Minutes dated 1997 April 23



Appendix "B" as referred to in Section 2B(a) of the Planning and Development Committee Minutes dated 1997 April 23



Legend

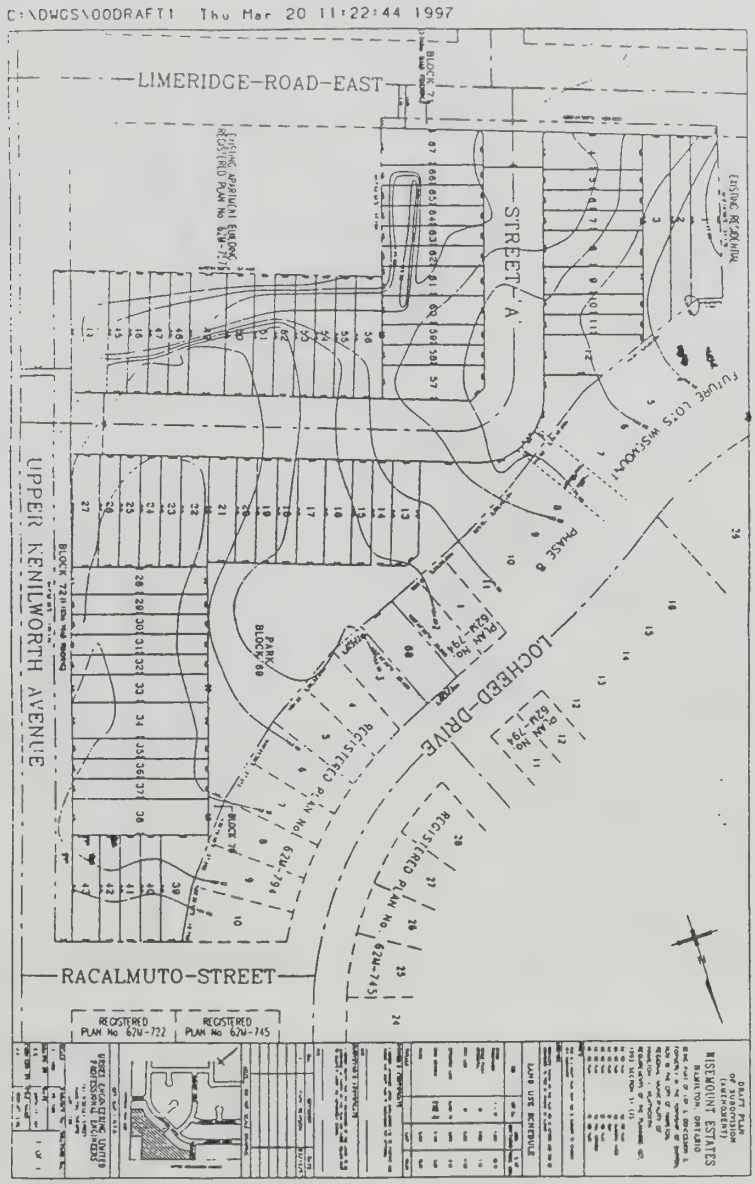
Proposed change in zoning :

BLOCK 1 — "AA" (Agricultural) District, to "R-4" (Small Lot Single Family Dwelling) District.

BLOCK 2 — "AA" (Agricultural) District to "R-4" -'H' (Small Lot Single Family Dwelling- Holding) District

BLOCK 3 — "AA" (Agricultural) District, to "C" (Urban Protected Residential, etc) District

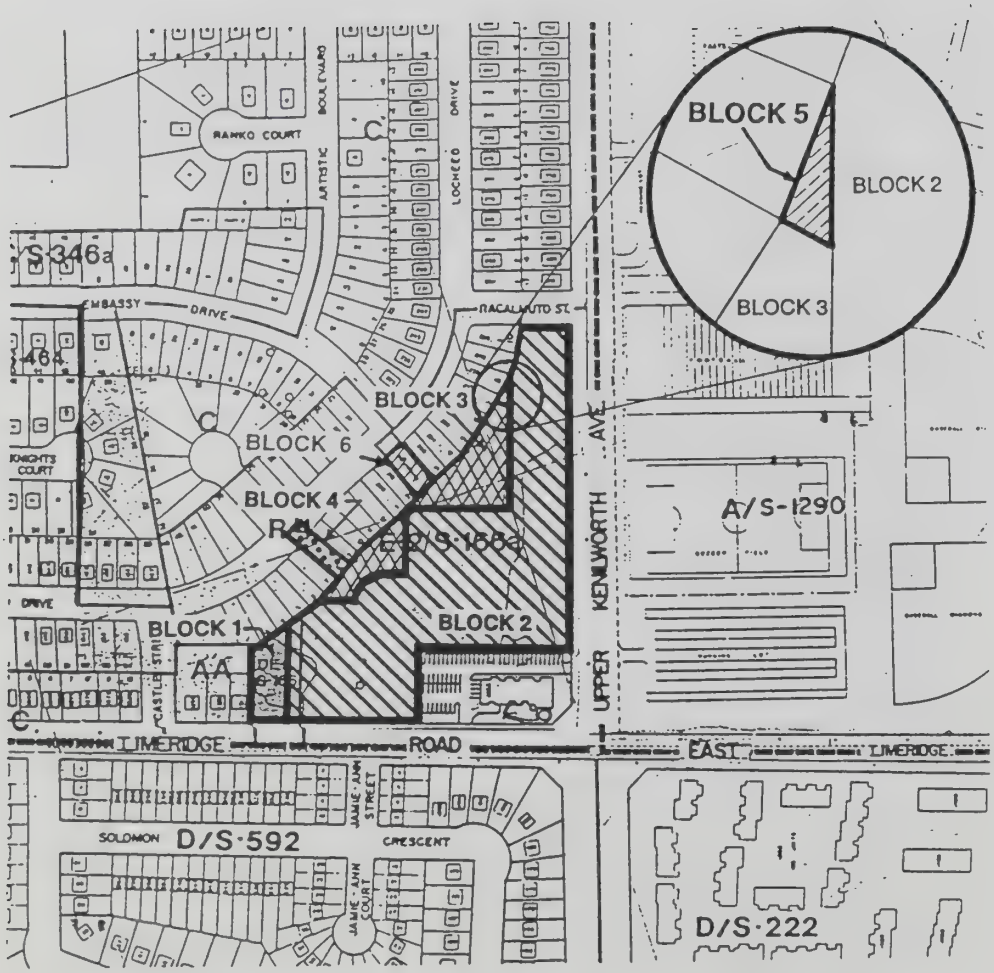
Appendix "C" as referred to in Section 3A(a) of the Planning and Development Committee Minutes dated 1997 April 23



25T-83004 REVISED

4/4

Appendix "D" as referred to in Section 3A(b) of the Planning and Development Committee Minutes dated 1997 April 23



Legend

CHANGE IN ZONING :

BLOCK 1 — From "DE-2" (Multiple Dwellings) District, modified to "RT-30" (Street - Townhouse) District

BLOCK 2 — From "E-2" (Multiple Dwellings) District, modified to "RT-30" (Street - Townhouse) District

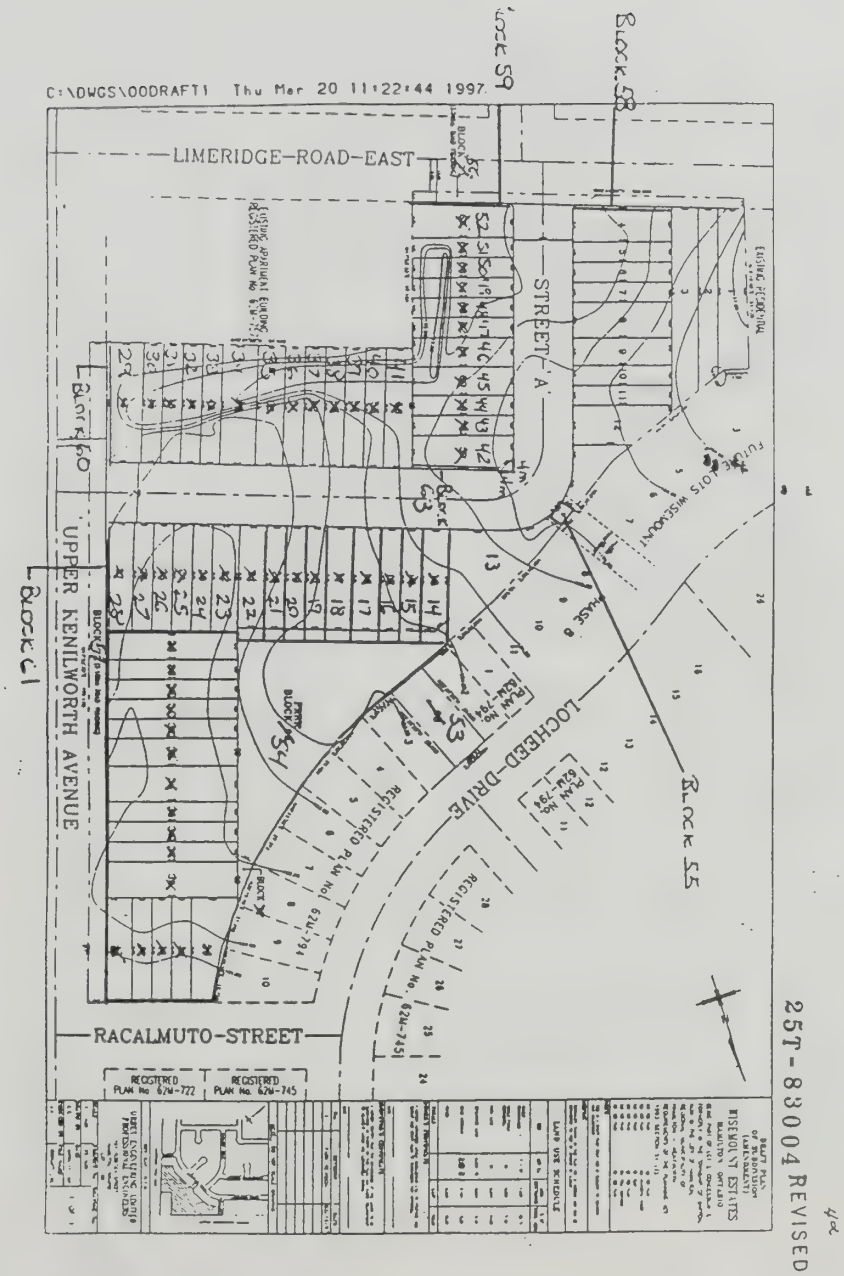
BLOCK 3 — From "DE-2" (Multiple Dwellings) District, modified to "A" (Conservation, Open Space, Parkland and Recreation) District

BLOCK 4 — From "R-4" (Small Lot Single Family) District, modified to "A" (Conservation, Open Space, Parkland and Recreation) District

BLOCKS 5 & 6 — From "E-2" (Multiple Dwellings) District, to "R-4" (Small Lot Single Family) District

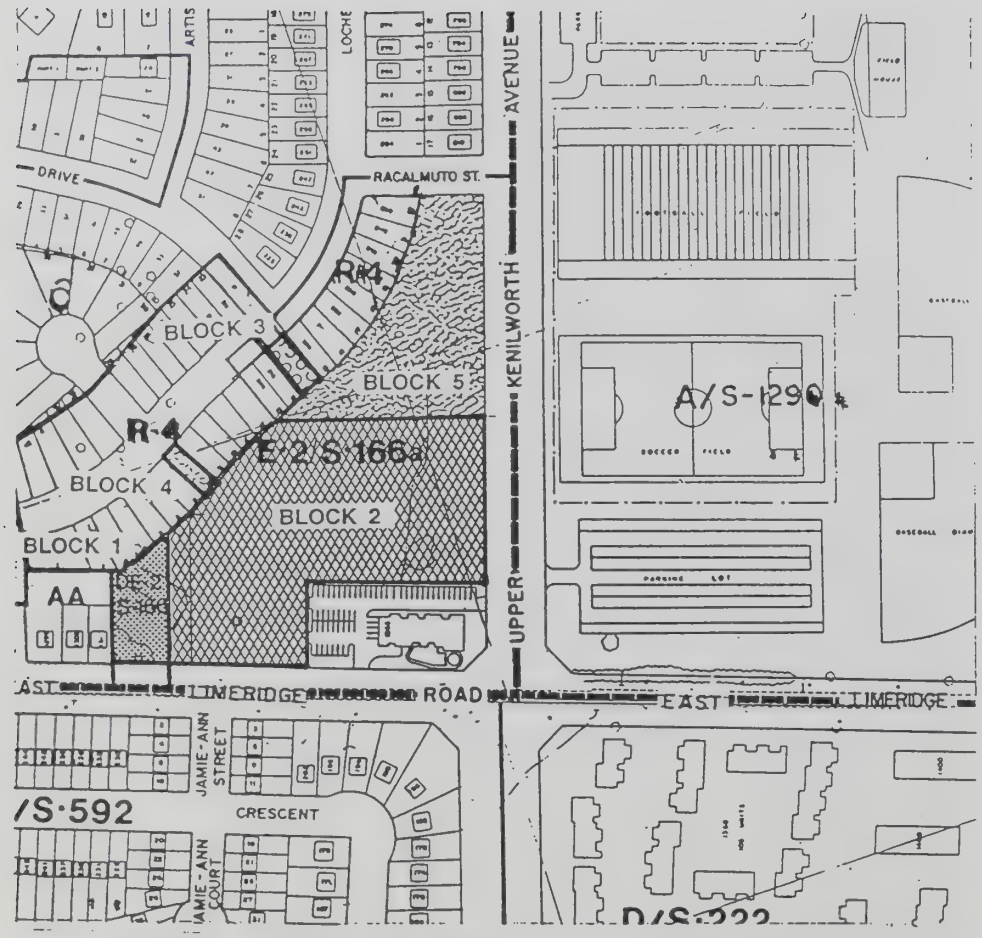
Reference File No.	
ZAC-97-07	
Drawn By	Date
W. B.	April 199
Scale	
NOT TO SCALE	
North	

Appendix "E" as referred to in Section
B.(a)(i) of the Planning and Development
Committee Minutes dated 1997 April 23



25T-83004 REVISED

Appendix "F" as referred to in Section 3C of the Planning and Development Committee Minutes dated 1997 April 23



Legend CHANGE IN ZONING :

BLOCK 1	From "DE-2" (Multiple Dwellings) District, modified to "RT-30" (Street - Townhouse) District
BLOCK 2	From "E-2" (Multiple Dwellings) District, modified to "RT-30" (Street - Townhouse) District
BLOCK 3	From "DE-2" (Multiple Dwellings) District, modified to "A" (Conservation, Open Space, Parkland and Recreation) District
BLOCK 4	From "R-4" (Small Lot Single Family) District, modified to "A" (Conservation, Open Space, Parkland and Recreation) District
BLOCK 5	Consideration of change in zoning from "E-2" (Multiple Dwellings) District, modified, tabled for further review

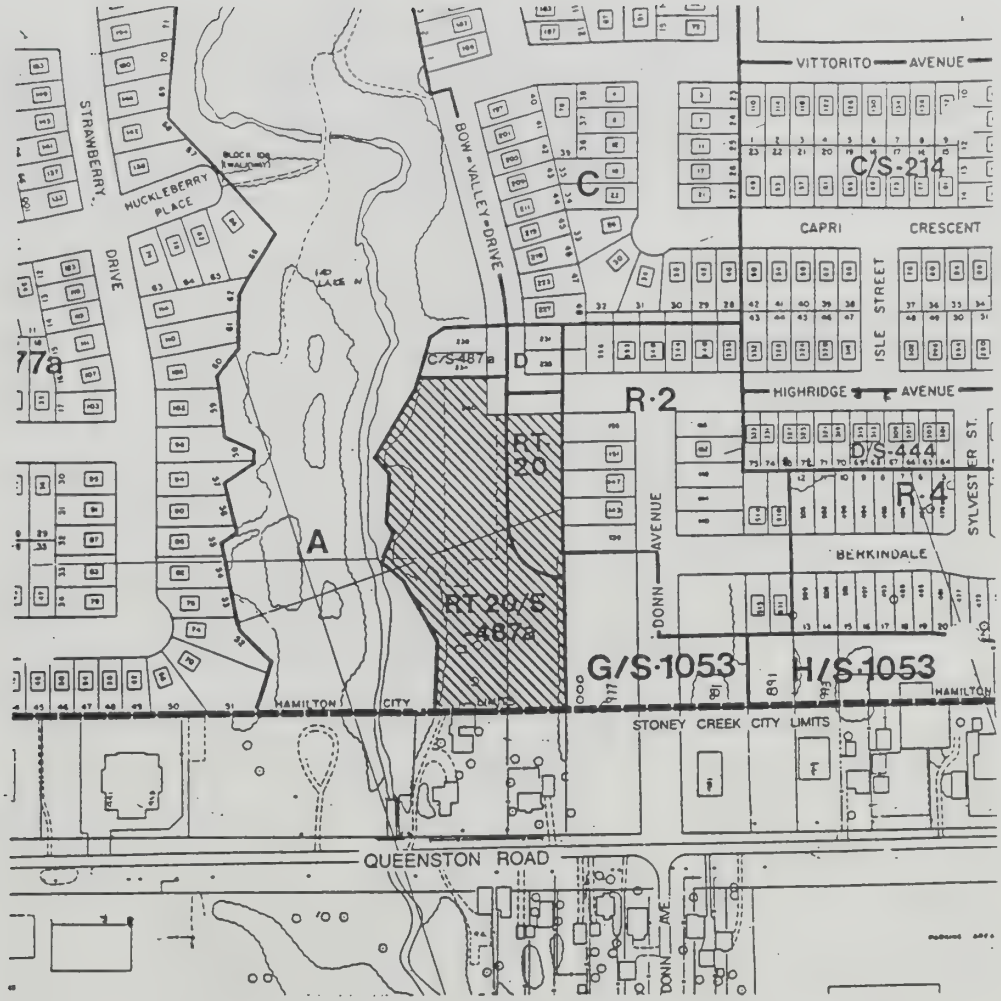
Reference File No
ZAC-97-07

Drawn By	Date
W. B.	April 19

Scale
Not to Scale

North

Appendix "G" as referred to in Section 4 of the Planning and Development Committee Minutes dated 1997 April 23

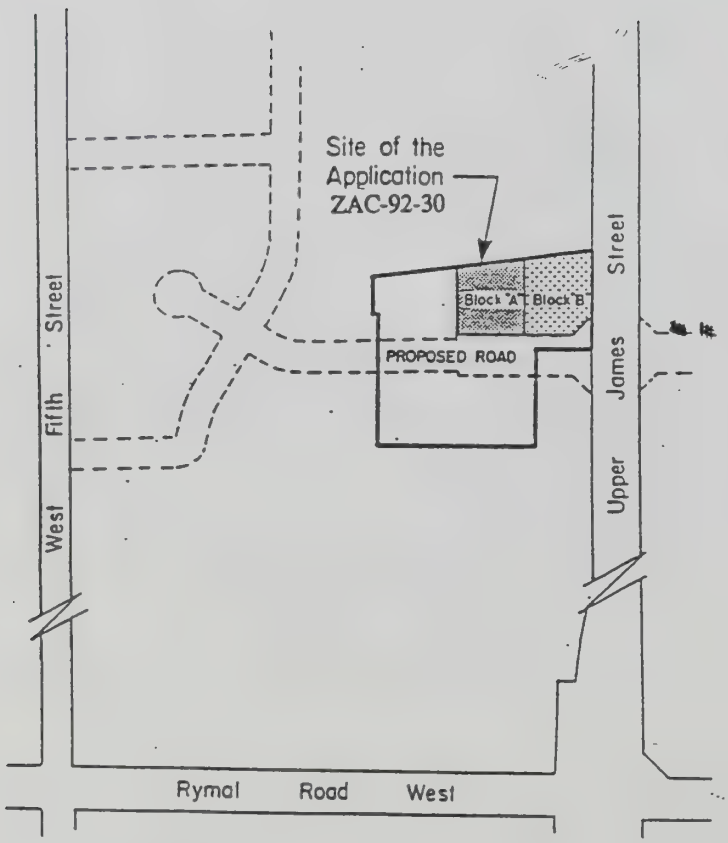


Legend

Site of the Application

ZAC-97-01

Appendix "H" as referred to in Section 5(a)I of the Planning and Development Committee Minutes dated 1997 April 23



Legend

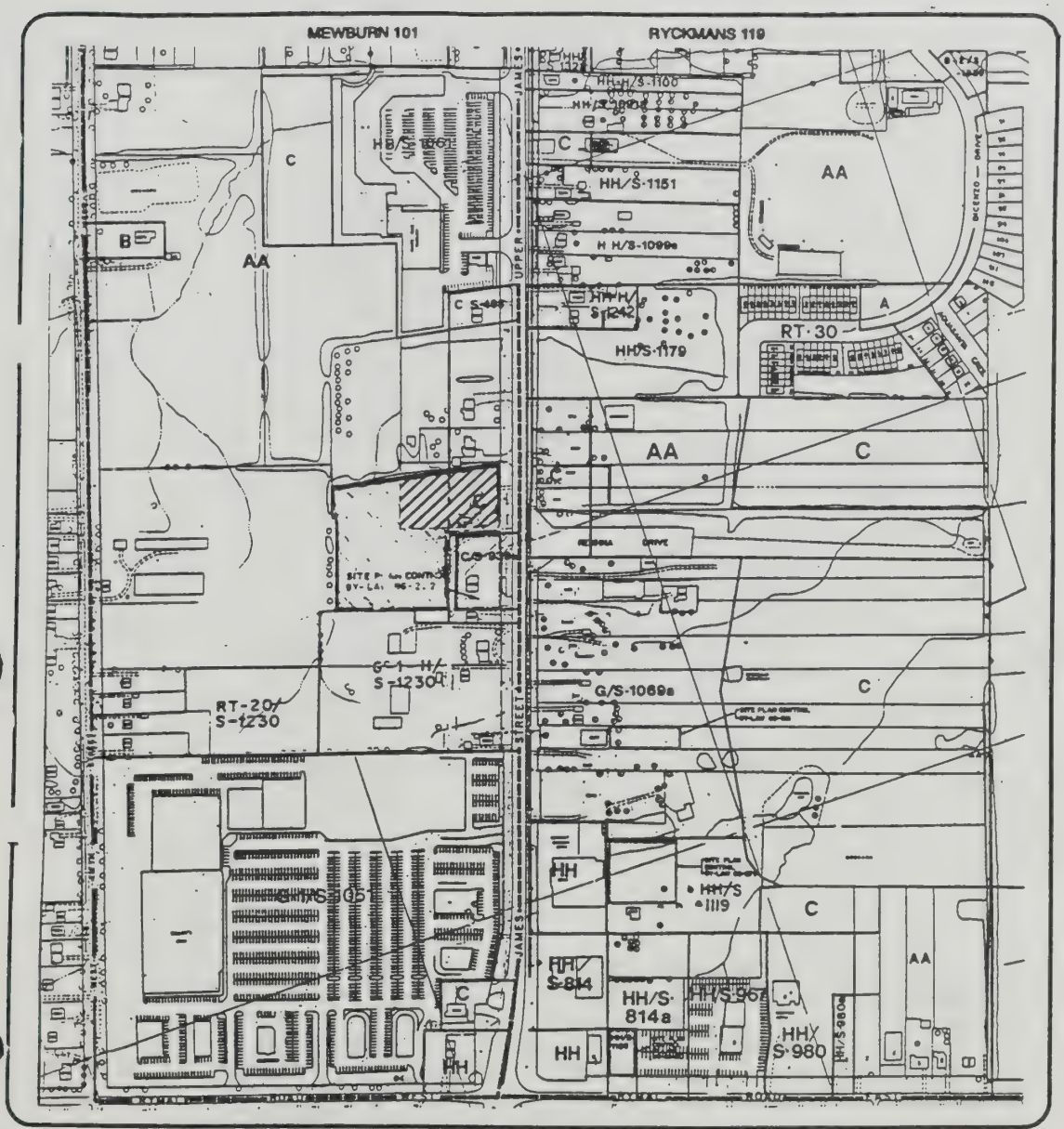
Block 'A'

Block 'B'

Proposed Modification to the established "AA" (Agricultural) District Regulations

Proposed Modification to the established "C" (Urban Protected Residential, etc.) District Regulations

Appendix "I" as referred to in Section 5(a)II of the Planning and Development Committee Minutes dated 1997 April 23



City of Hamilton

Plan Showing Lands Subject to Site plan Control

Application DA-96-03

Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	Not to Scale	DA-96-03
	Date	Drawn By
	MAY 1996	F.A.

Appendix "J" as referred to in Section 6 of the Planning and Development Committee Minutes dated 1997 April 23



City of Hamilton

Appendix "A"

Planning and Development Department

Legend

LOCATION OF CHARITY GAMING CLUBS (Refer to specific districts in Zoning By-Law)

North	Scale	Reference File No.
	NOT TO SCALE	CI 96-G
	Date	Drawn By
	April 23, 1997	W. B.

Appendix "K" as referred to in Section 9(f) of the Planning and Development Committee Minutes dated 1997 April 23

Schedule A

STREETSCAPING GROUND BREAKING CEREMONY

AND

CLEAN/PRIDE CAMPAIGN

Advertising/Invitations	$ 500.00
Flyer Distribution	300.00
Tent	175.00
Food/Sundries	100.00
Cleaning Items	621.00
BBQ Tank	10.00
Risers	30.00
Audio	125.00
Miscellaneous	100.00
Draw Prize	300.00
SUB-TOTAL	**$2,361.00**
Contingency	470.00
TOTAL	$2,831.00

Ba)

CITY OF HAMILTON

- RECOMMENDATION -

APR 2 [illegible]

DATE: 1996 April 18

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of 170 Simcoe Street East
Tag Number 10336 (97.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 170 Simcoe Street East once the owner obtains a building permit to replace the building to be demolished.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: D

PRESENT USE: One Half of a Semi-Detached Two Family Dwelling

PROPOSED USE: One Half of a Semi-Detached Two Family Dwelling

BRIEF DESCRIPTION:

The owner has applied to demolish the existing building which is presently being used as one half of a semi-detached two family dwelling. The subject building is located in the Central Area identified in the City Council Resolution passed on July 26, 1994 which states that appropriate conditions for Demolition Control under Section 33 of The Planning Act be applied. **The owner of the building has applied for a building permit to replace the building which is to be demolished and the building permit is being reviewed in the normal manner. The location of the proposed semi-detached two family dwelling was denied by Committee of Adjustment decision A-94:86 and approved by Ontario Municipal Board decision V-940317.**

.../2

Under the demolition control provisions of The Planning Act, where a building permit has been issued, City Council can issue an unconditional demolition permit, refuse to issue a demolition permit, or issue a demolition permit on the condition that the new building be substantially completed on the site within a specific time frame (not less than two years). It should be noted the owner can appeal the conditions imposed by City Council to the Ontario Municipal Board or at a later stage, appeal to Council and subsequently the OMB for relief from conditions that have been imposed on the basis the new building is not feasible on economic or other grounds.

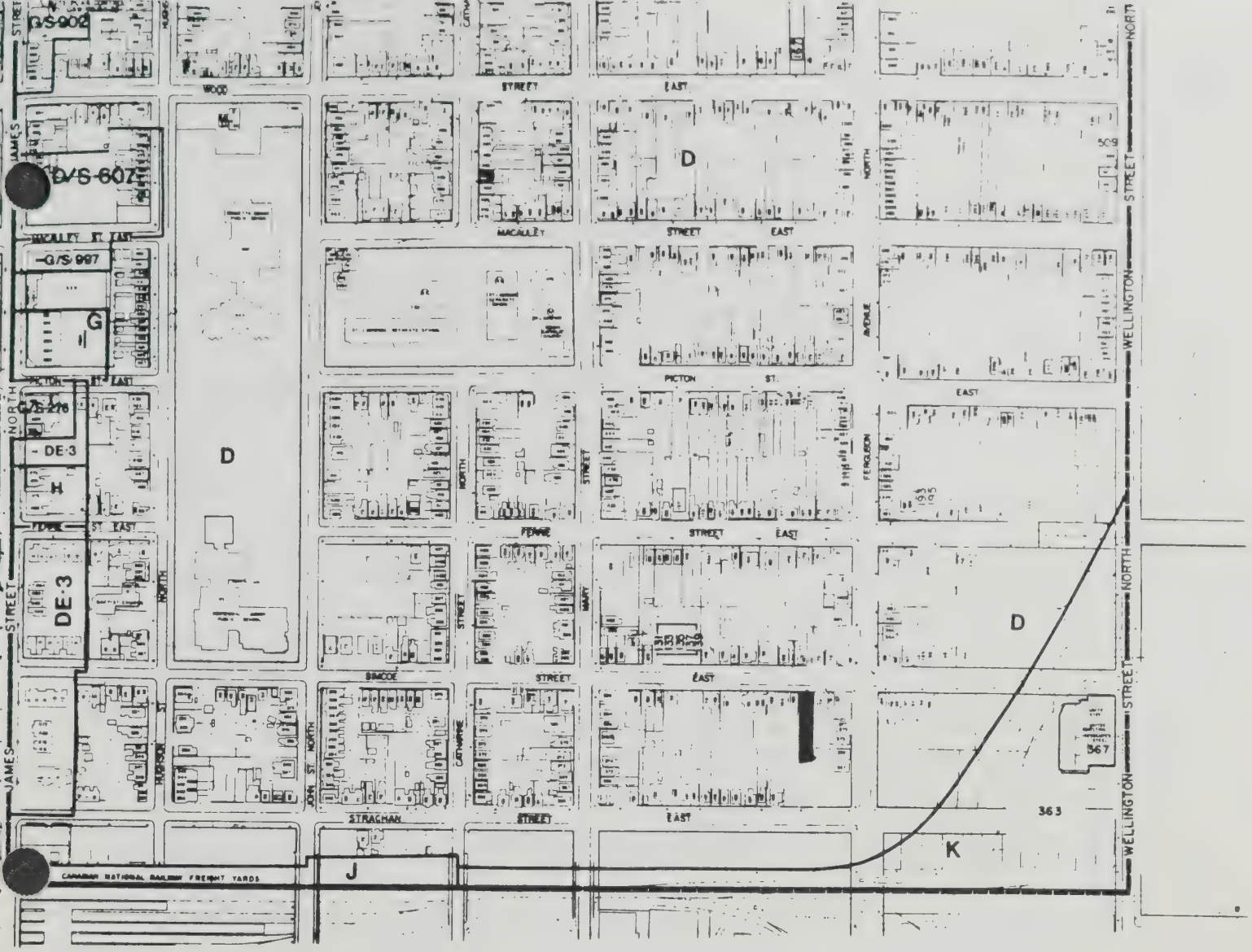
Should Council refuse to issue a demolition permit, The Planning Act allows the owner to appeal Council's decision to the OMB.

No LACAC interest. Lot size 40.00' x 144.25'.

The owner of the property as per the demolition permit is:

914919 Ontario Limited
17 Barton Street East
HAMILTON ON L8L 2V6

LCK/FP



SUBJECT PROPERTY
170 SIMCOE ST EAST

All Lands Within This Neighbourhood Is Subject To Site Plan Control By-law No. 90-285.

107 106 69
21 10 95

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department

CITY OF HAMILTO

NORTH END E

ZONING

Neighbourhood Boundary
Zoning Boundary

0 100m
SCALE 50m

Prepared for The City of Hamilton
by the Planning and Development Department

PLANNING UNIT NO. 6103

(B b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 April 18 APR 2

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Demolition of 172 Simcoe Street East
Tag Number 10337 (97.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 170 Simcoe Street East once the owner obtains a building permit to replace the building to be demolished.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: D

PRESENT USE: One Half of a Semi-Detached Two Family Dwelling

PROPOSED USE: One Half of a Semi-Detached Two Family Dwelling

BRIEF DESCRIPTION:

The owner has applied to demolish the existing building which is presently being used as one half of a semi-detached two family dwelling. The subject building is located in the Central Area identified in the City Council Resolution passed on July 26, 1994 which states that appropriate conditions for Demolition Control under Section 33 of The Planning Act be applied. **The owner of the building has applied for a building permit to replace the building which is to be demolished and the building permit is being reviewed in the normal manner. The location of the proposed semi-detached two family dwelling was denied by Committee of Adjustment decision A-94:86 and approved by Ontario Municipal Board decision V-940317.**

.../2

Under the demolition control provisions of The Planning Act, where a building permit has been issued, City Council can issue an unconditional demolition permit, refuse to issue a demolition permit, or issue a demolition permit on the condition that the new building be substantially completed on the site within a specific time frame (not less than two years). It should be noted the owner can appeal the conditions imposed by City Council to the Ontario Municipal Board or at a later stage, appeal to Council and subsequently the OMB for relief from conditions that have been imposed on the basis the new building is not feasible on economic or other grounds.

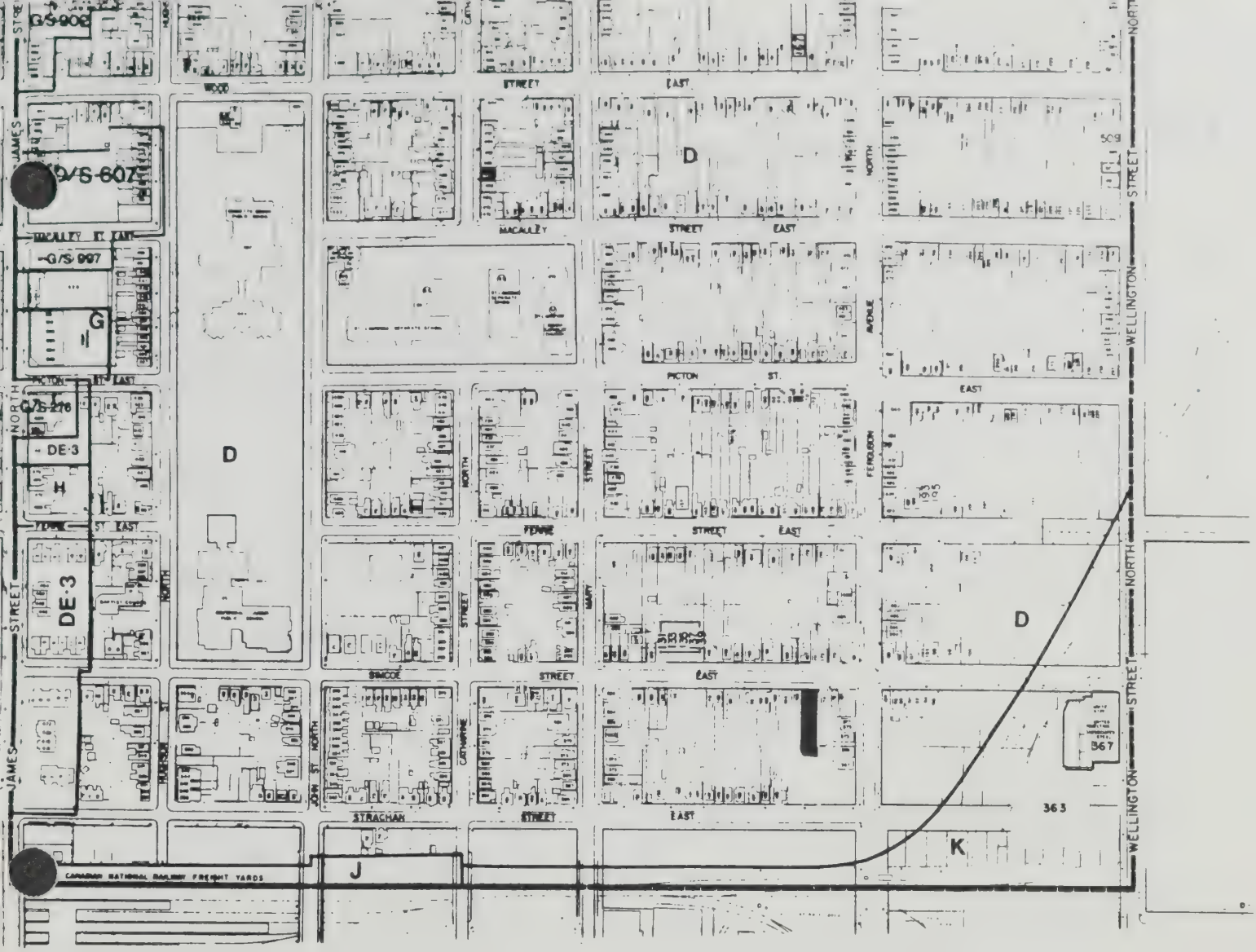
Should Council refuse to issue a demolition permit, The Planning Act allows the owner to appeal Council's decision to the OMB.

No LACAC interest. Lot size 40.00' x 144.25'.

The owner of the property as per the demolition permit is:

914919 Ontario Limited
17 Barton Street East
HAMILTON ON L8L 2V6

LCK/FP



SUBJECT PROPERTY
172 SIMCOE ST. EAST

All Lands Within This Neighbourhood Is Subject To Site Plan Control By-law No. 90-285.

107 106 69 21 10 95	CITY OF HAMILTO
This is not a Legal Document For Zoning Verification Please Contact City Building Department	NORTH END E ZONING
Neighbourhood Boundary Zoning Boundary	0 100m SCALE 50m
Prepared for The City of Hamilton by the Planning and Development Department	PLANNING UNIT NO 6103

Bc)

CITY OF HAMILTON

- RECOMMENDATION -

APR 2 5 1997

DATE: 1997 April 24

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P.Eng
Building Commissioner

SUBJECT: Barton Street Revitalization (97.2.14, 97.2.4.2.1.A)

RECOMMENDATION:

(a) That the remainder of the 1996 Festival Allocation be approved toward the purchase of Street Banners as part of the Festival component of the Barton Street Revitalization Program; and,

(b) That the City Treasurer be authorized and directed to forward $12,743.34 to the Barton Street B.I.A.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funding of $400,000 has been provided by the Province for the revitalization program. The Province of Ontario has provided a total of $1,000,000 directly to the City of Hamilton over the past three (3) years. Full funding for the street festival has been budgeted and provided from Provincial funding.

BACKGROUND:

On 1995 March 28, City Council approved a Barton Street Redevelopment Program for renovation loans and grants, mural projects, street festivals, and street enhancement.
As part of the revitalization program, the B.I.A. proposed that street festivals would be held on Barton Street. The resolution approved by Council states as follows:

.../2

The City will provide up to $40,000 yearly from available provincial funds to the Barton Street B.I.A. if it should decide to hold a street festival.

Co-ordination of the festival will be solely the responsibility of the B.I.A. An appropriate portion of the funds will be made available in advance, final reimbursement of the B.I.A. will be made once a statement of account for the festival is presented.

The B.I.A. wishes to use the remainder of the 1996 Festival Allocation of $12,743.34 towards the purchase of the Street Banners. The estimated total cost of the Street Banners will be approximately $26,000 with the remainder of the cost being funded from the 1997 Street Festival Allocation.

LCK/dc

cc. Allan C. Ross, Treasurer
Doug Lobo, Director of Public Works and Traffic

Bd)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 April 24 APR 2 : 1997

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Commercial Property Improvement Loan Program (CPILP)
340 Barton Street East (97.2.4.2.1.A, 97.2.14)

RECOMMENDATION:

(a) (i) That a secured loan in the amount of twenty-five thousand dollars ($25,000) to 1160584 Ontario Inc., for improvements to 340 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars ($12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

(b) (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars ($5,000) to 1160584 Ontario Inc., for improvements to 340 Barton Street East be approved, subject to fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars ($2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

.../2

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owners of 340 Barton Street East have applied for assistance under the City of Hamilton's Commercial Property Improvement Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 94-185 and the necessary repairs have been included in the cost of repairs.

The Barton General Business Improvement Area (B.I.A.) has approved the work which is to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Building Department, therefore, recommends the approval of the following loan and grant to the applicant for improvements to 340 Barton Street East:

a. $25,000 loan amortized over ten years at 2.38 per cent interest. Grant portion $12,500
Security: promissory note and lien. Monthly payments $234.12.

b. $10,000 loan amortized over ten years at 2.38 per cent interest. Grant portion $2,500
Security: no security other than promissory note. Monthly payments $75.00.

A lien for $25,000 will be registered on title in second place to a mortgage of $125,000 in favour of Kellam Investments Corporation. The second mortgagee has agreed to postpone to third place on title.

LCK/MM/dk

c.c. R. Camani, Treasury Department
D. Clarke, Building Department
D. Powers, Law Department

Be)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 April 29 APR 2

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P.Eng.
Building Commissioner

SUBJECT: Commercial Property Improvement Loan Program
948 King Street West (97.24.2.1.A)

RECOMMENDATION:

That a Commercial Property Improvement Loan in the amount of fifteen thousand dollars ($15,000) to Jacqueline Simpson for improvements to 948 King Street West be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate will be 2 3/8 per cent amortized over ten years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owner of 948 King Street West has applied for assistance under the City of Hamilton's Commercial Property Improvement Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 94-185, and the necessary repairs have been included in the cost of repairs.

The Westdale Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The Building Department, therefore, recommends the approval of a Commercial Property Improvement Loan to Jacqueline Simpson for improvements to 948 King Street West in the amount of $15,000. The loan will be amortized over a ten year period at 2 3/8 per cent interest. The monthly payments will be $140.47 and will be secured by a promissory note and a lien registered on title.

LCK/MM/dk

c.c. R. Camani, Treasury Department
D. Powers, Law Department

B-f)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 April 29 APR 2 1997

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P.Eng.
Building Commissioner

SUBJECT: Commercial Property Improvement Loan Program
950 King Street West (97.24.2.1.A)

RECOMMENDATION:

That a Commercial Property Improvement Loan in the amount of fifteen thousand dollars ($15,000) to Dromore Company Limited for improvements to 950 King Street West be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate will be 2 3/8 per cent amortized over ten years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owner of 950 King Street West has applied for assistance under the City of Hamilton's Commercial Property Improvement Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 94-185, and the necessary repairs have been included in the cost of repairs.

The Westdale Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The Building Department, therefore, recommends the approval of a Commercial Property Improvement Loan to Dromore Company Limited for improvements to 950 King Street West in the amount of $15,000. The loan will be amortized over a ten year period at 2 3/8 per cent interest. The monthly payments will be $140.47 and will be secured by a promissory note and a lien registered on title.

LCK/MM/dk

c.c. R. Camani, Treasury Department
D. Powers, Law Department

B9)

CITY OF HAMILTON

- RECOMMENDATION -

APR 2 1997

DATE: 1997 April 24

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
344 East 37th Street (97.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, seven hundred and sixty-four dollars ($1,764) be approved for Joyce Smale, 344 East 37th Street, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of $2,000 could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Joyce Smale, 344 East 37th Street in the amount of $1,764. The furnace has been replaced, and the Department recommends approval in the amount of $1,764 at 8% interest and amortized over five (5) years.

LCK/MM/dk

c.c. R. Camani, Treasury

(Bh)

CITY OF HAMILTON

- RECOMMENDATION -

APR 2[illegible] 1997

DATE: 1997 April 25

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: 1997 Annual Conference of the Association of Committees of Adjustment (97.2.4.2.1.A, 97.2.4.3.2)

RECOMMENDATION:

That the Chairman of the Committee of Adjustment or his nominee and another member of the Committee of Adjustment be authorized to attend the 1997 Annual Conference of the Ontario Association of Committees of Adjustment and Consent Authorities to be held for four days, 1997 June 1 - 4 in Thunder Bay Ontario at an expense not to exceed $1,200 each to be charged to account CH55201-10010, Legislative Travelling.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The above-noted conference is an educational conference of mutual benefit to all members across the province. The City of Hamilton Committee of Adjustment is scheduled to host the Conference in the year 2001.

PF/LCK/dm

(a)

CITY OF HAMILTON

- RECOMMENDATION -

APR 3 0 1997

DATE: 1997 April 29
A-97-13 (ENV-ESA)
Rosedale Neighbourhood

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a Waiver from an Environmental Impact Statement - 206 Dumbarton Avenue

RECOMMENDATION:

(a) That approval be given to the Environmental Impact Statement Waiver, on behalf of Terra Homes Hamilton Inc., to permit the development of the lands located at no. 206 Dumbarton Avenue, as shown on the attached map marked as APPENDIX "A", for a single-family dwelling.

(b) That the City Clerk be requested to forward a copy of Council's Decision to the Regional Clerk, for consideration by Regional Council.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The subject lands are located within the Rosedale Neighbourhood, adjacent to a branch of the Redhill Creek valley system, at no. 206 Dumbarton Avenue, see attached APPENDIX "A". The proposal is to construct a single-family dwelling upon the subject lands. The subject lands are currently vacant, and are a legal lot of record. The proposed building envelope is shown on the plan attached as APPENDIX "B".

City of Hamilton Official Plan

The subject lands are located at the boundary of "Residential" and "Open Space" designations in the Official Plan. Although the proposed residential use complies with the intent of the Official Plan, the adjacent "Open Space" lands are also located within designated "Hazard Lands" and the "Red Hill Creek Environmentally Sensitive Area". It is the intent of the Official Plan that "Environmentally Sensitive Areas" (ESAs) remain in an undisturbed state. Furthermore, land abutting ESAs will be developed in a manner to protect and complement the adjacent hazard and/or natural attributes. In this regard, development may be permitted on lands adjacent to or within an "Environmentally Sensitive Area", provided a Feasibility Study and Impact Analysis is carried out, or a waiver is received from City Council, with concurrence of Regional Council.

The Redhill Creek area is designated as an ESA, due to:

- the areas important ecological function as a large greenspace area, which includes the intersection of two natural corridors (eg. Redhill ESA links the Niagara Escarpment ESA with Van Wagners ESA);
- the areas high diversity of abiotic features relative to its size;
- the earth science features of the site, which are considered diverse and significant; and
- the area provides habitat for nationally, provincially and regionally significant species.

Application A-97-13 to the City of Hamilton Committee of Adjustment

The proposed dwelling would not meet the lot area and front and side yard provisions of the established "B" (Suburban Agriculture and Residential, etc.) District zoning. Consequently, an application, A-97-13, to permit a lot area of 675 m^2 (instead of 1,100 m^2) a front yard of 6.1 m (instead of 12 m) and east and west side yards of 1.8 and 1.25 m, respectively (instead of 3 m), was submitted to the Committee of Adjustment. The application was heard on February 5, 1997, however, was tabled to allow the applicant to address concerns regarding development of the subject lands. The application was subsequently amended to address the concerns of the Hamilton Region Conservation Authority. Specifically, the east side yard setback was increased to 7.6 m

from the top of bank (see APPENDIX "B"), to comply with Authority Plan Review Guidelines for development adjacent to a ravine. The application was granted by the Committee of Adjustment on April 2, 1997, subject to a number of conditions, including the following:

1. That no permit be issued for development of the subject lands until the owner submits proof that the Hamilton Region Conservation Authority and the Niagara Escarpment Commission have no objections to the development, or are satisfied that any concerns have addressed; and,

2. That no permit be issued for development of the subject lands until the owner carries out and receives approval from City Council and Regional Council of a Feasibility Study and Impact Analysis, or a waiver is received from City Council, with concurrence of Regional Council.

On April 3, 1997, a permit was approved by the Hamilton Region Conservation Authority, for construction of the dwelling within a fill regulated area, subject to a number of conditions related to erosion and sediment control, revegetation, and the conclusions of a geotechnical investigation. Consequently, the applicant has satisfied any concerns regarding the Official Plan "Hazard Lands" designation. In addition, the Niagra Escarpment Commission (NEC) has confirmed that the subject lands do not fall within the NEC planning area. Accordingly, condition no. 1. noted above, has been satisfied.

WAIVER REQUEST:

In order to satisfy condition no. 2 of Application A-97-13, the applicant submitted, on March 25, 1997, an Environmental Impact Analysis, supporting a request to waive a full Feasibility Study and Impact Analysis for the proposed development at no. 206 Dumbarton Avenue. The Analysis concludes that the proposed residential development will not have a negative impact on the abutting Redhill Creek ESA, including the following basis:

- the property is not within the ESA, and is situated approximately 10 m above the adjacent valley floor;

- there is no significant tree cover or natural habitat on the subject property;

- there would be no negative impact of the corridor or linkage function of the valley lands;

- there would be no significant alteration of grades or the removal of trees;

- a geotechnical study has concluded that the slope is stable, and the minimum 7.6 m setback from the top-of-bank, as recommended by the Conservation Authority would be maintained.

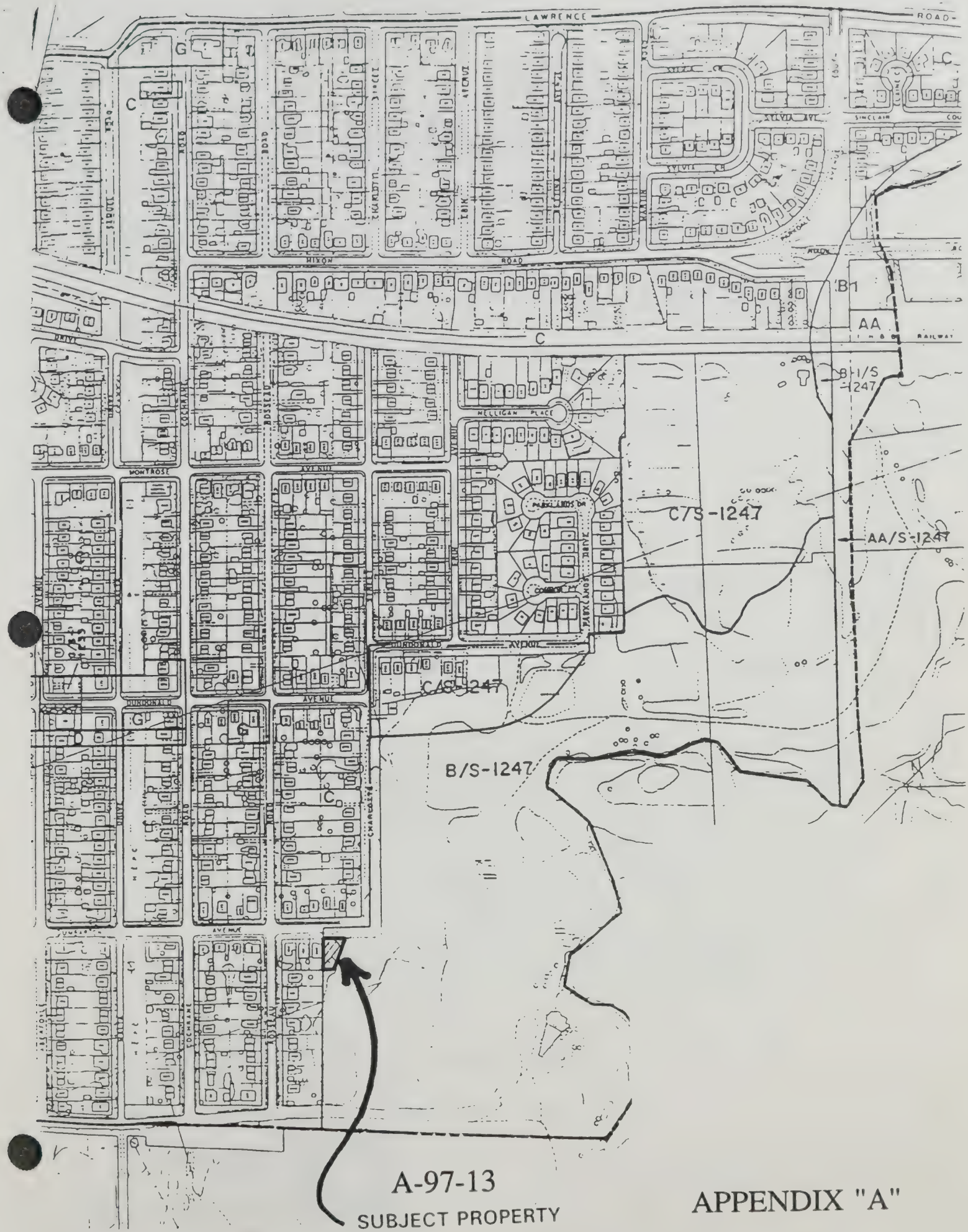
Planning and Development Department staff concur with the findings of the waiver request, that the development of 206 Dumbarton Avenue would not result in any adverse impact on the abutting Redhill Creek ESA.

It should also be noted that the Regional Environment Department has indicated that it will not be necessary to have the proposal reviewed by the Environmentally Significant Areas Impact Evaluation Group, the Regional advisory group responsible for evaluating development proposals within or adjacent to regionally designated ESA, provided the proposal satisfies a number of conditions. It is felt that these conditions will be adequately addressed by the Conservation Authority permit process as noted above.

CONCLUSION:

Based on the foregoing, the Environmental Impact Statement Waiver can be supported, since there appears to be no adverse effects on the adjacent Environmentally Sensitive Area.

CL-M

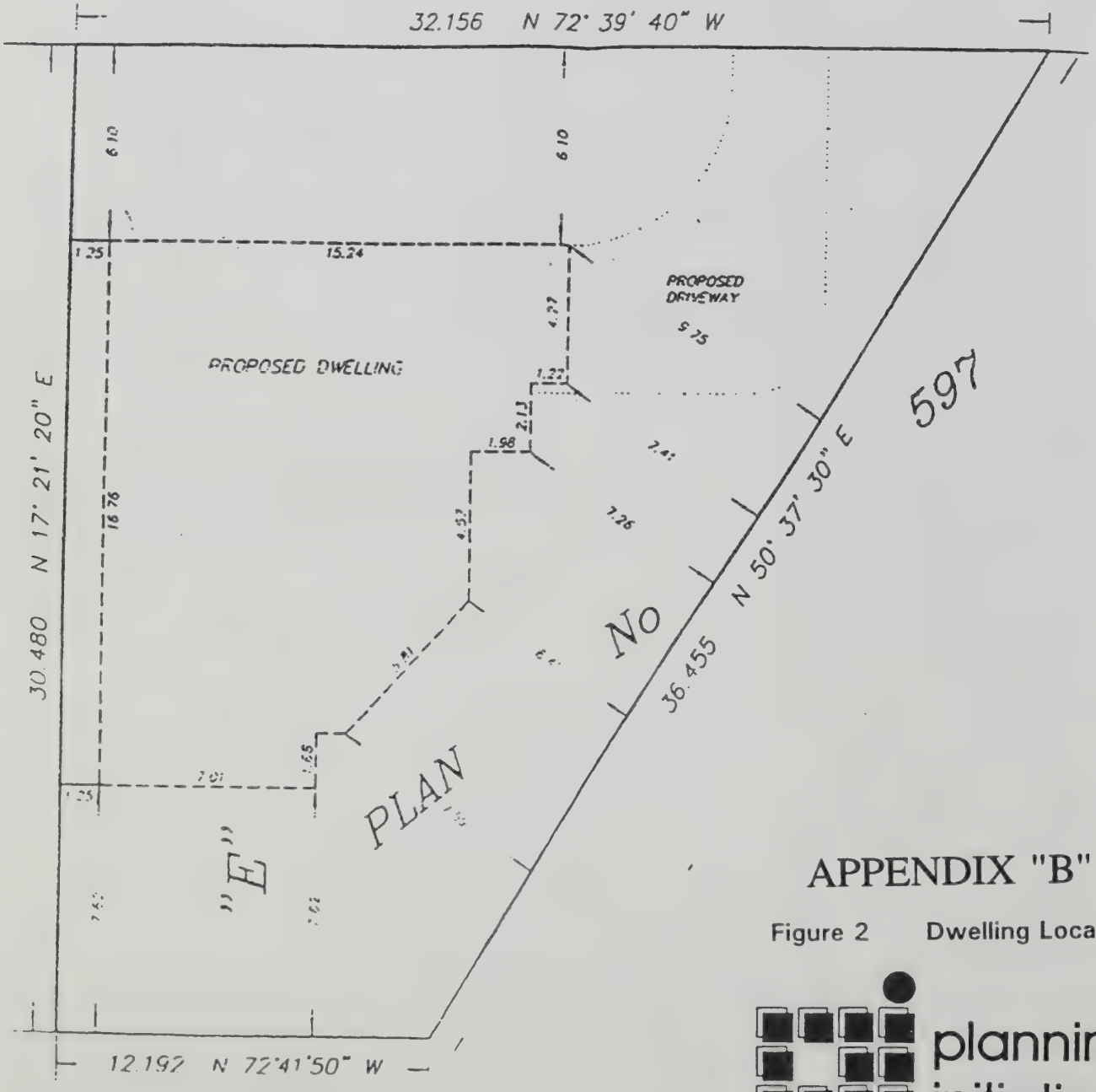

LAWRENCE
ROAD
MIXON
ROAD
C
B1
AA
RAILWAY
B1/S
-1247
C/S-1247
AA/S-1247
C/S-1247
B/S-1247
MONTROSE
AVENUE
HELLIGAN PLACE
PARKLANDS DRIVE
A-97-13
SUBJECT PROPERTY

APPENDIX "A"

SKETCH OF
PART OF PARCEL "E"
REGISTERED PLAN No 597
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH
SCALE 1:200

0 5 10 metres

DUMBARTON AVENUE



APPENDIX "B"

Figure 2 Dwelling Location

planning initiatives ltd.
professional engineers & planners

(b)

CITY OF HAMILTON

- RECOMMENDATION -

APR 3 3 1997

DATE: 1997 April 28
S723-78 P. Strong

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: J.G. Pavelka, P.Eng.
Chief Administrative Officer

V.J. Abraham, M.C.I.P.
Director of Planning and Development

SUBJECT: **"WISEMOUNT ESTATES - PHASE 8", Hamilton (Cash Payment in Lieu of 5% Parkland Dedication)**

RECOMMENDATION:

a) That the City of Hamilton accept the sum of $34,350.00 as a cash payment in lieu of the 5% land dedication in connection with "Wisemount Estates - Phase 8", Hamilton being the cash payment required under Section 51 of the Planning Act.

JoAnne Hickey Evans

J.G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financing costs associated with this report.
cont'd...

DATE: 1997 April 28

cont'd...

BACKGROUND:

The owner of Wisemount Estates - Phase 8 (822827 ONTARIO INC.) will be executing a Subdivision Agreement with the City of Hamilton in the near future.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be $34,350.00.

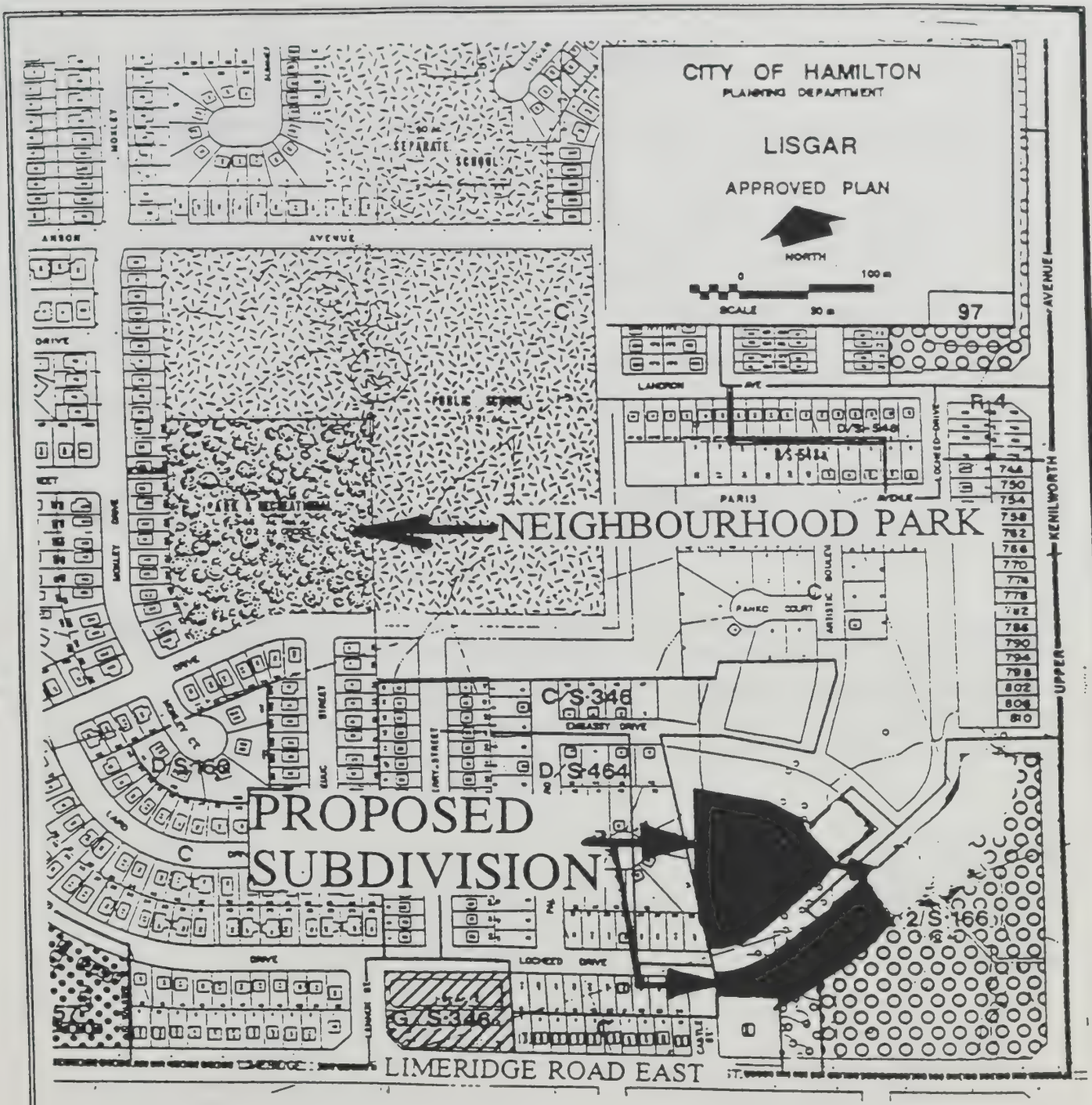
The lands of Wisemount Estates - Phase 8 are located on the west of Upper Kenilworth Avenue on Locheed Drive in the Lisgar Neighbourhood. (see attached plan)

Note: The 5% parkland dedication or the cash in lieu of lands is a contribution by the developers. The money collected for the cash in lieu of lands is used for land acquisition, development and maintenance for park purposes.

/ps

cc: D. Cobb, City Treasury
cc: R. Buckle, City Real Estate Department

O:\P&D\97-04-28



LOCATION PLAN

"WISEMOUNT ESTATES - PHASE 8", HAMILTON

SUBLIST/DISC

REGIONAL ENVIRONMENT
DEPARTMENT
DEVELOPMENT DIVISION
RECEIVED
APR 25 1997
File # 5723-78
PS

REAL ESTATE DIVISION

MEMORANDUM

****

TO: E. M. Gill, P. Eng.
Senior Director
Roads Department
Attention: P. Strong

YOUR FILE:

FROM: M.C.J. Watson
Manager, Real Estate Division
Property Department

OUR FILE:
PHONE: (905) 546-4504

SUBJECT: **Wisemount Estates Phase 8**
5% Parkland Dedication Section 51.1

DATE: 1997 April 24

In reply to your recent letter, please be advised that we have estimated the market value of 5% of the lands in the subject subdivision at **$34,350.00** as of "the day before the day of draft plan approval" as set out in Section 51.1 of The Planning Act, 1983.

M.C.J. Watson

KN/hew

(c)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 April 30 APR 3 0 1997
(PLC-96-02)
Lisgar Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for Extension of Removal of Part-Lot Control
"Wisemount Estates, Phase 7" Subdivision
Registered Plan No. 62M-794

RECOMMENDATION:

(a) That approval be given to the request by David Elliot, Solicitor for 822827 Ontario Inc., owner, for a 1 year extension to remove part-lot control in order to establish maintenance easements for Lots 1 - 9, inclusive, located in "Wisemount Estates, Phase 7", Registered Plan No. 62M-794, as shown on APPENDIX "A"; and,

(b) That the attached by-law, marked as APPENDIX "B", to extend the removal of part-lot control until June 1, 1998 from Lots 1 to 9, inclusive, Registered Plan 62M-794, "Wisemount Estates, Phase 7" plan of subdivision, be enacted by Council.

Joanne Hickey-Evans

J.G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The applicant, David Elliot, Solicitor for 822827 Ontario Inc., owner, is requested a 6 month extension to Part Lot Control By-law No. 97-032 to allow for the establishment of maintenance easements in accordance with the Registered Plan of Subdivision 62M-794, "Wisemount Estates, Phase 7". The maintenance agreements will be on Lots 1 to 9 inclusive. The extension has been requested in view of market conditions.

Council, at its meeting of February 24, 1997, passed By-law No. 97-032 which exempted the subject lands for a period of 3 months to June 1, 1997. In accordance with Section 50(7.4) of the Planning Act, the applicant has requested that Council extend the exemption from part-lot control for Lots 1 - 9 (inclusive) only.

Location

The lands are located west of Upper Kenilworth and south of Limeridge Road and front onto Locheed Drive in the Lisgar Neighbourhood.

COMMENTS:

1. Removal of "part-lot" control is a measure provided for under the Planning Act to permit minor division of land without having to obtain approval of each individual parcel of land by the Committee of Adjustment in accordance with their consent granting authority, thereby reducing the overall administrative process required to obtain the same objective. The measure is exercised by municipalities by registering a by-law in the Land Titles offices. It can apply only to lands within a registered plan of subdivision. In addition, Section 51(7.1) of the Planning Act, allows for an expiration date to be described in the part-lot control by-law, thereby eliminating the need to repeal said by-law. Under Section 51(7.4), Council may grant an extension before the expiration of the By-law if needed without the approval of the Minister. During the effective time period, lands may be conveyed or easements established in the absence of any additional municipal review. Given that the applicant is proposing to establish maintenance easements on the subject lands, then the easements can be registered at any time during the effective period of the By-law, irrespective of whether or not building permits have been issued or if dwellings are under construction.

2. The applicant is required under the City Subdivision Agreement to obtain a part-lot control by-law to establish maintenance agreements for the future property owners to access and maintain the side of the single family dwellings set on or adjacent to the lot-line.

3. After the By-law has been passed by City Council, the applicant is required to register the by-law on title and provide the City with documentation demonstrating that said by-law has been registered. This must occur prior to the expiration of the original exempting by-law (By-law No. 97-032). As such, it is appropriate that the existing by-law be passed at this point in time which will provide the applicant with sufficient time to complete the registration of the extending by-law.

4. The attached by-law to extend the removal "part-lot" control has been prepared in a form satisfactory to the City Solicitor.

CONCLUSION:

Based on the foregoing, the request for an extension of the removal part-lot control can be supported.

SR/sr
PLC96-02.ext

LOCHEED DRIVE

M-794

25T-83004J

PLAN 62M-794

REGIONAL APPROVAL

PLAN 62M-722

PLAN 62M-745

PLAN 62M-777

RACALMUTO STREET

EMBASSY DRIVE

LOCHEED DRIVE

UPPER KENILWORTH AVENUE

LOT 3 CONCESSION 6 BARTON

PIN 16993 - 0150

PART 6 PLAN 62R-12455

CASTLE STREET

LIVERIDGE ROAD EAST

BLOCK 1 PLAN 62M-757

BLOCK 2

BLOCK 3

ROAD ALLOWANCE BETWEEN CONCESSIONS 6 AND 7

Wisemount Estates phase 7

BEING A PLAN OF SUBDIVISION OF

PART OF LOT 3, CONCESSION 6

GEOGRAPHIC TOWNSHIP OF BARTON NOW IN THE CITY OF HAMILTON

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

J. D BARNES LIMITED

1996

SCALE 1 : 750

METRIC

OWNER'S CERTIFICATE

822827 ONTARIO INC

NOTES

SURVEYOR'S CERTIFICATE

June 27, 1996

J.D. BARNES

SURVEYING MAPPING LAND INFORMATION SERVICES

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Extend By-law No. 97-032

Respecting:

**LAND WITHIN THE "WISEMOUNT ESTATES, PHASE 7"
SUBDIVISION (62M-794)
PLAN 62R-13901**

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Council of The Corporation of the City of Hamilton enacted By-law No. 97-032 on February 24, 1997 to remove the lands described in section 1 thereof from part lot control, which by-law shall expire on June 1, 1997;

AND WHEREAS a request has been made for an extension of the time period specified for the expiration of By-law No. 97-032;

AND WHEREAS approval under subsection (7.1) is not required for an extension in accordance with subsection (7.4);

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 2.(c) of By-law No. 97-032 is hereby repealed and the following substituted therefor:

"(c) As it relates to Lots 1 - 9, this By-law shall expire on June 1, 1998. As it relates to Lot 12, this By-law expires on June 1, 1997."

2. Section 1. of By-law No. 97-032 is hereby repealed and the following substituted therefor:

"Subsection 5 of Section 50 of the Planning Act, shall not apply, for the purposes of creating maintenance easements only, to the following lands:

Lots 1 to 9 inclusive, and Lot 12, within Registered Plan Number 62M-794, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth."

3. In all other respects, By-law No. 97-032 is hereby confirmed, unchanged.

4. Where this by-law has been enacted it shall be registered on title to the land described in section 1 of By-law No. 97-032.

PASSED this day of A.D. 1997.

CITY CLERK MAYOR

D a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 May 2

REPORT TO: Chairperson and Members
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: Repealing of Zoning Bylaw 96-114 respecting 775 and 779 Upper Wentworth Street

RECOMMENDATION:

a) That Zoning By-Law No. 96-114 respecting 775 and 779 Upper Wentworth Street be repealed in its entirety; and,

b) That the attached By-Law be approved by Council.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

At the Council meeting of 1996 June 25 Council passed By-Law 96-114 respecting zoning for property at 775 and 779 Upper Wentworth Street. At the subsequent meeting of Council on 1996 July 9, By-Law 96-124, being an exact duplicate of By-Law 96-114 was inadvertently placed again before Council and passed. Since the circularization of the by-law and the statutory declaration making the By-Law final and binding were conducted on By-Law 96-124, By-Law 114 should be repealed.

In anticipation of this, the City Solicitor has drafted the attached bill to be passed concurrently with the approval of the resolution.

Bill No. C-

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Repeal:

Zoning By-law No. 96-114

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 775 AND 779 UPPER WENTWORTH STREET

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 96-114 on the 25th day of June 1996 to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593, for the "HH" District, in respect of the above-captioned land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 96-124 on the 9th day of July 1996 to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593, for the "HH" District, in respect of the above-captioned land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS it is expedient to repeal By-law No. 96-114 as it is redundant.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 96-114, passed on the 25 day of June 1996, is hereby repealed in its entirety.

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1997

CITY CLERK MAYOR

(1997) 8 R.P.D.C. , May 13
Elite Realty Corporation, Prospective Owner
ZAC-95-18

D61

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 April 30

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Item**

RECOMMENDATION:

That the following Information Item, which has been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Director of Planning and Development re: Approved Site plan Control Applications, dated 1997 April 30

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND: N/A

URBAN/MUNICIPAL
CA4 ON HBL 405
C51P4
1997



Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL
MAY 20 1997
GOVERNMENT DOCUMENTS

Wednesday, 1997 May 21
9:30 o'clock a.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 97-11, by Whatmough Management Inc. (Sarah Whatmough), owner, for a modification to the established "D" District regulations for property located at 412 Aberdeen Avenue.

   Submission:
   a) Grant Howell, Simpson, Wigle Solicitors, 21 King Street West Suite 400, Hamilton
   b) Wendy Peng, 185 Stanley Avenue, Hamilton
   c) R.B. Chown, 15 Stanley Avenue, Apt. 1, Hamilton
   d) Peter Fleming, 101-801 Queen Street South, Hamilton
   e) Barry Allen, 311 Bold Street, Hamilton

2. Zoning Application 97-05, by 200 Rymal Road Inc. (A. DiSilvestro, President) owner, for a change in zoning from "C" District to "R-4" District (Block 1) and for a further modification to the established "B-2" District for lands located east of Springside Drive, south of Jacqueline Boulevard and west of the proposed extension of Upper Wellington Street.

PLANNING AND DEVELOPMENT COMMITTEE
Wednesday, 1997 May 21

3. Zoning Application 97-08, by Rosart Properties, owner, for changes in zoning for property located west of Upper James, east of West Fifth, the rear portion of 1187 West Fifth and 1514 Upper James (Block "1") and 1468-1500 Upper James.

   Submission: a) Mary Lou Dickson, 1428 Upper James Street, Hamilton

   b) Robert Morris, P. Eng., 1452 Uppper James Street, Hamilton

   c) Robert C. Dickson, 1428 Upper James Street, Hamilton

4. **DELEGATION**

   Dean Fisher, President, Pro- F.X. re: By-law exemption for 14 James Street North for 3rd Party Sign

5. **BUILDING COMMISSIONER (for discussion)**

   Fearman House, 90 Stinson St. - Building Permit for proposed Alterations and Additions

6. **CONSENT AGENDA**

7. **OTHER BUSINESS**

8. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
2.	Rehabilitation Loan Programs	1996 June 25 (Council)	Review to be conducted by staff	Recommendation from Building Commissioner to Cttee by 1996 Nov. 1
3.	Mobile Sign By-law	1996 July 3 and 1997 February 11	Two reviews to be conducted three months and six months after the passing of the Mobile Sign bylaw on 1997 February 11	*Industry and Staff Committee To report back in one year (by July 3 1997) *Staff Report to be brought back in 6 mos (by August 11 1997) *Report back in 3 mos (by May 11 1997) re: actual recovery costs for the implementation and enforcement of the bylaw as well as a review of permit fees for businesses and licencing for operators
4.	Bringing responsibility for administration of Subdivisions, Condominium Control and Part Lot Control to the City from the Region	1996 July 3	Building Commissioner to Draft Report	Report Forthcoming
5.	Correspondence : CAPIC support for Establishment of a Downtown Neighbourhood	1996 October 23	Referred to Planning Staff for report	Report Forthcoming
6.	ZA-96-11, 73 Garfield Avenue South	1996 November 20	Ward Alderman, residents and applicant to meet	Tabled to 1997 January
7.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and Incineration as a use regarding Hamilton Harbour Commission Lands	Report Forthcoming
8.	Front yard Parking and 50% greenspace provision	1997 March 5	Staff report on the enforcement of the provision	Report forthcoming
9.	ZA-97-02, 310 Limeridge Road West	1997 March 19	Alternate Uses for the property to be investigated	Tabled. To be brought back on 1997 May 21
	ZA-97-06, 216 Wilson Street	1997 April 2	Tabled upon request of the Applicant	Tabled

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
11.	RHPA application CD-96-004, 222 Gage Avenue South	1997 April 2 and 1997 May 7	Ward Aldermen to meet with applicant and residents	Tabled for 1 month Further tabled for 6 months (to first meeting of Nov 1997)
12.	Student Housing and Garage conversion at 189 Cline Avenue South	1997 April 2	a) Building Commissioner to report back on the City of Guelph's By-Law pertaining to Lodging Homes; and,	Reports Pending
			b) Building Commissioner and City Solicitor to report back on the issue of the Garage conversion at 189 Cline Ave. S.	
13.	RHPA application CD-96-005, 155 Market Street	1997 April 23	Applicant to meet with residents in order to address their concerns	Tabled for 2 months
14.	ZA-97-07, Irregular Parcel of Land West of Upper Kenilworth Ave. and south of Racalmuto Street	1997 April 23	Tabled for future development Plans	Report Pending
15.	Demolition of 3 Dexter Avenue	1997 April 23	Tabled at the Request of Ald. Eisenberger	Tabled
16.	Fearman House	1997 May 7	Buildng Department staff to report back on if the intended use of the building meetins with "D" zoning	Report forthcoming to 1997 May 21 meeting
17.	Street Naming	1997 May 7	Planning and Development Staff requested to prepare a report explaing how street names are determined	Report Pending
18.	Allison Estates Subdivision - Park Site	1997 May 7	Tabled at the request of the subdivider	Tabled

1997 May 13

1.

CITY OF HAMILTON

- RECOMMENDATION -

MAY 1 4 1997

DATE: 1997 May 6
ZAC-97-11
Kirkendall North Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a modification in zoning and Official Plan Amendment - No. 412 Aberdeen Avenue

RECOMMENDATIONS:

a) That approval be given to Official Plan Amendment No. establishing a Special Policy Area to permit the sale or lending of new books and a second-hand goods shop involving only the sale or lending of used books within the Residential designation, for the property known municipally as No. 412 Aberdeen Avenue, as shown on the attached map marked as APPENDIX "A", and that the Director of Planning and Development be directed to prepare the By-law of Adoption, in accordance with Section 17 (22) of the Planning Act for submission to the Regional Municipality of Hamilton-Wentworth;

b) That approval be given to Zoning Application ZAC-97-11, Whatmough Management Inc. (S. Whatmough), owner, requesting a modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations, to permit the sale or lending of new books and a second-hand goods shop involving only the sale or lending of used books on the ground floor of the existing dwelling, for property located at No. 412 Aberdeen Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

   i) That the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

      1) Notwithstanding Section 10.(1) of Zoning By-law No. 6593, the following shall be permitted:

A) the sale or lending of new books and a second-hand goods shop involving only the sale or lending of used books carried on for remuneration entirely within the existing dwelling by an owner residing in the dwelling unit as their principal place of residence, subject to the following requirement:

i) the sale or lending of new books and a second-hand goods shop involving only the sale or lending of used books shall be located on the ground floor of the existing building, with a maximum floor area of 84 m^2 (895 sq. ft.); and,

B) one non-illuminated business identification sign which is a name plate or a ground sign, subject to the following requirements:

i) the area of any sign shall not exceed 0.2 m^2 (2.15 sq. ft.);

ii) a ground sign shall be located a minimum of 3.0 m (9.84 ft.) from the front lot line and east side lot line; and,

iii) a ground sign shall have a maximum vertical dimension of 1.0 m (3.28 ft.);

c) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-14 be notated S- ;

d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-14, for presentation to City Council;

e) That the proposed modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth.

EXPLANATORY NOTE:

The purpose of the by-law is to modify the established "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations, for property located at No. 412 Aberdeen Avenue, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit the sale or lending of new books and a second-hand goods shop involving only the sale or lending of used books, operated only by an owner residing within the existing dwelling at 412 Aberdeen Avenue. Furthermore, the sale or lending of new books and a second-hand goods shop involving only the sale or lending of used books are only permitted on the ground floor of the existing building, with a maximum floor area of 84 m^2 (895 sq. ft.). In addition, one non-illuminated business identification sign which is a name plate or a ground sign, is permitted, subject to the following requirements:

- the area of any sign shall not exceed 0.2 m^2 (2.15 sq. ft.);
- a ground sign shall be located a minimum of 3.0 m (9.84 ft.) from the front lot line and east side lot line; and,
- a ground sign shall have a maximum vertical dimension of 1.0 m (3.28 ft.).

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Previous Zoning Application ZAR-95-26

On January 30, 1996, City Council passed By-law No. 96-006. The effect of the by-law was to permit a retail book store, operated only by an owner residing within the existing dwelling at 412 Aberdeen Avenue. The book store was only permitted on the ground floor of the existing building, with a maximum floor area not exceeding 15% of the total habitable floor area of the dwelling unit.

By-Law No. 96-006 was appealed to the Ontario Municipal Board. On February 25, 1997 the Board ruled "that the subject by-law 96-006 does not conform with the approved Municipal Official Plan, the Board orders that the appeal is allowed and the said By-law is repealed."

Current Proposal ZAC-97-11

The application is to convert the ground floor of the existing dwelling at No. 412 Aberdeen Avenue for the sale or lending of new books and a second-hand goods shop involving only the sale or lending of used books. The maximum floor area of the proposed use will not exceed 84 m^2 (895 sq. ft.). An accessory business identification sign, either as a name plate or a very small ground sign (ie., hanging name plate style), has also been requested. The residential unit on the second floor will be maintained and the applicant/owner would operate the book store and reside in the dwelling.

APPLICANT:

Whatmough Management Inc. (S. Whatmough), owner.

LOT SIZE AND AREA:

The subject property has:

- a frontage of 15.24 m (50 ft.) on Aberdeen Avenue;
- a depth of 37.92 m (124.42 ft.); and
- a site area of 577.72 m^2 (6,218.75 sq. ft.).

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Single-family dwelling	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
Surrounding Lands		
to the north	Single and two-family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
to the south	Automobile Service Station and single-family dwelling	"H" (Community Shopping and Commercial, etc.) District and "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
to the west	Hydro Electric System of Hamilton utility use	"H" (Community Shopping and Commercial, etc.) District
to the east	Single-family dwelling	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District

OFFICIAL PLAN:

The subject lands are designated "Residential" on Schedule "A" - Land Use Concept of the Official Plan. The following policy is applicable:

A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

Based on the recent Ontario Municipal Board decision, the proposed use of selling or lending of new books and a second-hand goods shop involving only the sale or lending of used books is not considered a permitted use within the "Residential" designation. An Official Plan Amendment establishing a Special Policy Area allowing the proposed uses is required.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double Residential" in the Approved Kirkendall North Neighbourhood Plan. On the basis that the proposed use will retain a residential component, it complies with the Neighbourhood Plan. However, a notation should be placed in the legend of the Approved Kirkendall North Neighbourhood identifying the selling or lending of new books and a second-hand goods shop involving only the sale or lending of used books as a permitted use for the subject property.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority has no objection.

- The Building Department advises:

  "1. The sale or lending of new or used books is a commercial use and is not permitted in a "D" District.

  2. The sale or lending of used books is a second hand good shop and is subject to a municipal licence.

  3. The recognized use of the property is a single family dwelling only.

  4. The conversion of 895 square feet of the first floor to a bookstore does not require additional parking for the commercial use.

  5. If the applicant is proposing to use the remainder of the building for a two family dwelling, it is subject to conversion requirements of Section 19 of Bylaw 6593.

6. No survey plan submitted for the site."

- The Regional Environment Department advises:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

- The Regional Transportation Department, Roads Division advises:

"(1) The existing designated road allowance width of Aberdeen Avenue is 20.12 m. Therefore we do not anticipate any further road allowance widenings at this time.

(2) The applicant should be advised that according to our records, the alley to the rear of the subject lands is public assumed.

(3) Any works which may occur within the Aberdeen Avenue road allowance or the public assumed alley must conform to the respective Streets By-laws."

- The Department of Public Works and Traffic advises:

"We have reviewed the above application and have no comment."

- The Heritage Planning Section of the Planning Department (L.A.C.A.C. staff) advises:

"HERITAGE STATUS:

Not yet listed on City's *Inventory of Buildings of Architectural and/or Historical Interest* (located in Neighbourhood still to be systematically surveyed) but would qualify for listing.

HERITAGE PLANNING COMMENTS:

The size and design of the sign should be in keeping with the character of the house and of the area."

COMMENTS:

1. Based on a recent Ontario Municipal Board decision (February 25, 1997), the proposed use for the sale or lending of new books and a second-hand goods shop involving only the sale or lending of used books is not considered a permitted use within the "Residential" designation. An Official Plan Amendment establishing a Special Policy Area allowing these uses is required.

2. On the basis that the existing structure will retain a residential component, the proposed use for the sale or lending of new books and a second-hand goods shop involving only the sale or lending of used books use complies with the Neighbourhood Plan.

3. The application has merit and can be supported on the following basis:

   - The proposed use is compatible with the adjacent residential neighbourhood as no changes will occur to the exterior facade of the residential structure and a residential unit will be maintained within the structure;

   - The proposed commercial/residential land use mix for the subject property is a suitable transition between the residential uses to the east and the commercial uses to the west;

   - The subject property is appropriately located on a major arterial road and immediately adjacent to an existing retail commercial node; and,

   - The intended market scope of the proposed use is for local neighbourhood residents within walking distance of the subject property.

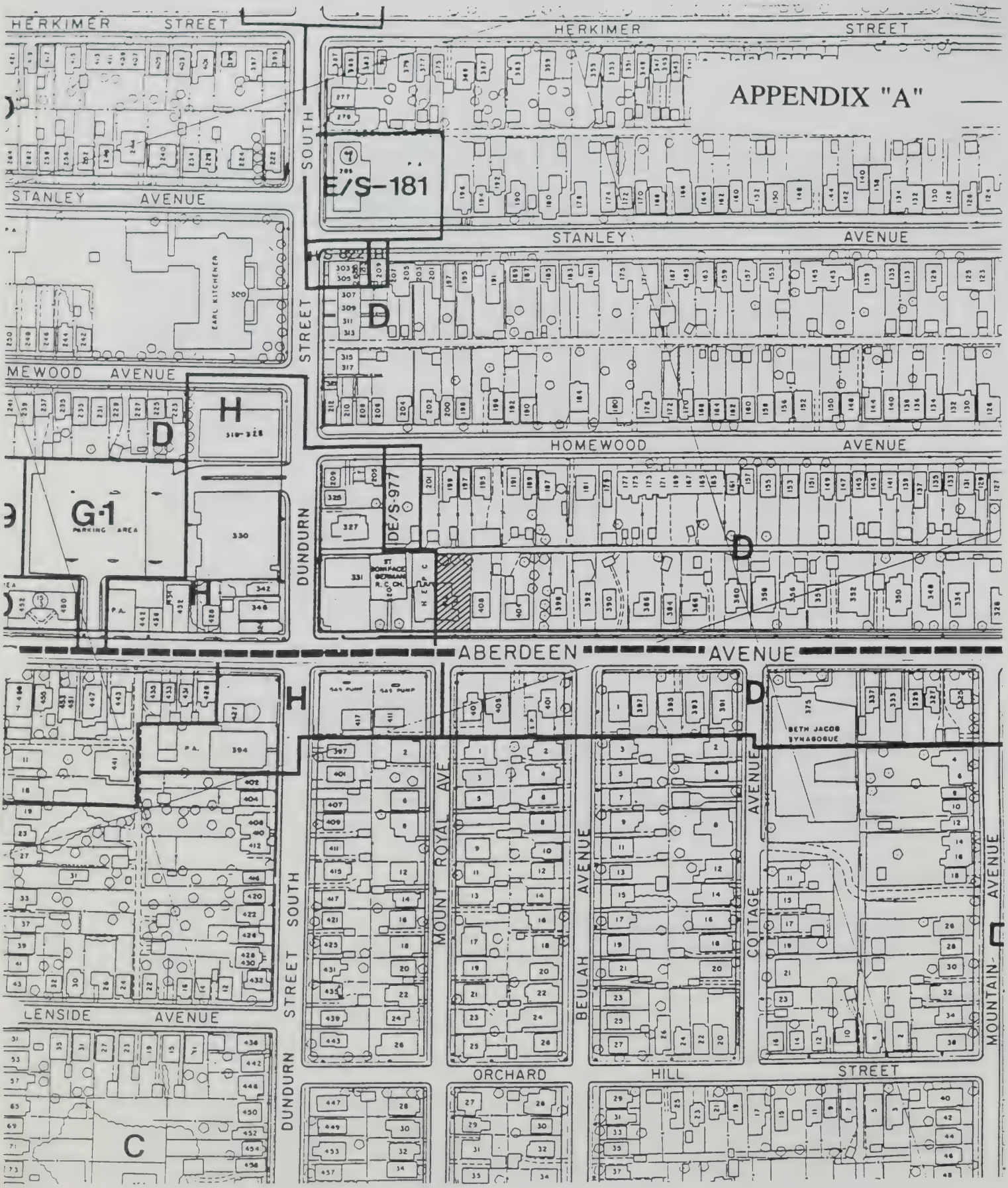
4. Signage for commercial uses of this nature, is normally restricted to one small name plate (ie. 0.2 m^2). However, the applicant has requested the option of erecting a small ground sign (ie. a hanging name plate style sign). This request can be supported on the basis that the sign would not have a negative impact on the character of the adjacent area. The size of the ground sign should be restricted to 0.2 m^2 (2.15 sq. ft.) and a height of 1.0 m (3.28 ft.). A minimum setback of 3.0 m (9.84 ft.) from the front lot line (street line) and east side lot line (adjacent single-family dwelling) should also be applied.

CONCLUSION:

Based on the foregoing, the application can be supported.

KE/ke

N:\KE\97-11



Legend

Site of the Application

ZAC-97-11

1a)

SIMPSON, WIGLE

Barristers and Solicitors

Francis E. Wigle, Q.C.
George A.C. Simpson, Q.C.
Larry W. Matthews
Jay N. Rosenblatt
David J.H. Jackson
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Direct Line for Voice Mail
24 hours 528-8412 ext. 312

May 7, 1997

Chair and Members
Planning and Development Committee
The Corporation of the City of Hamilton
City Hall, 71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sirs/Mesdames,

Applicant:	**Whatmough Management Inc. (Sarah Whatmough)**
Property:	**412 Aberdeen Avenue, Hamilton**
Our client:	**Robert W. Morrow (owner of 408 Aberdeen Avenue, Hamilton)**
Re:	**Public meeting - Wednesday, May 21, 1997**

Our client is out of the country on business and will not return until Sunday evening, May 18th next and, as you know, Monday, the 19th is Victoria Day.

He gave us telephone instructions today that it was only last evening he learned of the proposed date of the public meeting and, in the circumstances, will not be able to adequately prepare either oral or written submissions in time for the meeting.

Our client also instructs us to advise that, entirely without prejudice to such legal exceptions that he may take to the holding of the meeting, he will attend and will be requesting an adjournment, on a without prejudice basis, to enable him to prepare such submissions as he may be advised.

Yours very truly,
SIMPSON, WIGLE

Grant W. Howell

GWH/kk
DELIVERED

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Public Works Department on 1997 May 8 YA. ✓ 4/8 97

RE: ZAC 9711

May 7/97

To S. Whatmough;

16)

I received this charming bit of "mail" today, and just want you to know that I am in full support of your proposal. I find your neighbours position incredulous — a fine book seller is precisely what our neighbourhood needs. In fact, I have been anxiously peeking through your window (sorry) to check the progress. I suppose I was naive to assume that your first proposal would go through (yes, I did mail in my vote) unchallenged. I will try to make myself available for the public meeting on the 21st. I did not attend the first one — perhaps it would have helped.

Good luck! I know how frustrating this must be.

Sincerely,

Wendy Peng

185 Stanley Avenue

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Public Works Department on 1997 May 9.

IT'S YOUR NEIGHBOURHOOD
HELP PRESERVE IT!!

An OFFICIAL PLAN AMENDMENT application #ZAC 97-11, for the property at 412 Aberdeen Ave., has been initiated (March 14, 1997) by WHATMOUGH MANAGEMENT INC.

This SAME APPLICANT had applied for a Zoning Amendment of the same property. The ONTARIO MUNICIPAL BOARD recently OVERTURNED that Zoning Amendment. This was a victory for the little man facing a Corporation.

As you pass this property, be sure to note the new "Landscaping" added to this beautiful Tudor-style home - Turning the well-tended and grassed side and rear yard areas into a gravelled parking area - Erecting a high solid fence almost to the sidewalk line, - Installing a double-width curb ramp, etc.. Does this suggest to you the type of "traffic" that the Applicant hopes to attract to the premises? Is this really what your residential area needs?

You may be interested in the fact that the FIRST application (overturned by the OMB) requested a Bookstore use with an area of 480 square feet. This SECOND application now wants a Bookstore area of over DOUBLE that of the previous unsuccessful attempt. 985 SQUARE FEET - as displayed on the sign at the premises. How much of YOUR home would that area require? By the way, a Bookstore really brings a BUSINESS and/or COMMERCIAL usage to mind, doesn't it? Not what you might expect in a home.

Would you like a COMMERCIAL development adjacent to you? Remember, that if this application succeeds, the thin edge of the wedge will be driven into our wonderful residential area. The next, and any following applications will call upon this situation as a precedent. It will be hard to stop further erosion of our values once the trend has been started. What once was your pride and joy will soon become a commercial jungle.

Both N. & S. Kirkendall neighbourhoods, from Studholme Rd. in the west, to James St. S. in the east: from Herkimer St. in the north, to the base of the mountain in the south: have historically been residential.

AND WE ARE PROUD TO HAVE IT REMAIN THAT WAY.

City zoning reflects this historic character. With minor exceptions (that of Dundurn St. S. at Aberdeen Ave. being the most prominent) commercial properties do not exist in this area.

Demonstrate your consideration for your neighbourhood. You worked hard for it, you chose to live in it, and you expect it to have its character remain what it is - residential - not commercial.

Your Ward representatives at City Hall are -
Mrs. Mary Kiss, 546-4528
Mr. Marvin Caplan, 546-2416.
They are there to represent you. Take a moment of your time to phone them and tell them of your OPPOSITION to this commercial encroachment into your world.

When the City sends out a mailing to assess reaction to this Application, make a point of returning it with "OPPOSED" clearly marked. Do not overlook this opportunity to show the City that your neighbourhood, and your neighbours, means something to you. Even if you don't receive this mailing, a short personal letter to the Planning Committee c/o City Hall, 71 Main St. W, L8N 3T4, stating your OPPOSITION to FILE #ZAC 97-11,will be the best way of conveying your view. I would be happy to deliver it personally on your behalf, and at no cost to you.

This is not an anonymous message, and I am not ashamed to be identified with it.
My name Bob Morrow, owner of 408 Aberdeen Ave.
Please call me at 528-8289 (day) or 385-7575 (evg) with your support.

1c)

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Public Works Department on 1997 May 12 TA.

Tina Agnello
Secretary Of Planning & development
City Hall
Hamilton, Ontario

MAY 1 2 1997

15 Stanley Ave., Apt.1
Hamilton, Ontario
May 12, 1997

Ms.Agnello:

Please note my objection to the application commercialize the property at 412 Aberdeen Ave. The super abundance of closed up stores in many areas of the city provides more than an adequate supply of store locations. A further zoning changed increase in this supply not only depresses an established residential area on Aberdeen Ave., but takes away from the potential market for existing commercial locations. Please note that I received no correspondence on this matter prior to now and wish to be kept informed on the progress of this and other matters relating to my property at 338 Aberdeen Ave. Correspondence should be addressed to my home at the above address.

Thankyou for your attention.

Sincerely,

R B Chown

R.B. Chown

MAY 13 1997

1d)

1997 05 11
101-801 Queen St. S.
Hamilton, ON.

MAY 14 1997

Dear sirs,

KE/lw

As a long time citizen of Hamilton I am writing in support of the proposed Book Store at the property on 412 Aberdeen Avenue. In such close proximity to an area already mixed with a wide variety of small businesses and residences, it seems to me a Book Store would be a delightful addition to the neighborhood.

Yours truly,

Peter Fleming.

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Public Works Department on 199 7 May 14. TA. Sent May 14/97 BB

1e)

McMASTER UNIVERSITY
Department of Philosophy
1280 Main Street West, Hamilton, Ontario, L8S 4K1
Telephone: (905) 525-9140 Locals 24275, 24312
Fax: (905) 577-0385

MAY 1 [illegible] 1997

12 May 1997

City Clerk
City Hall
71 Main St. W.
Hamilton, Ont. L8N 3T4

Re. file no. ZAC 97 11

TO THE CITY CLERK:

With this letter I enclose a copy of the remarks I plan to give to the meeting of the Kirkendale neighborhood association on 15 May.

As a resident of the neighborhood, and as a teacher and lover of books, the proposed Greenwood bookstore at 412 Aberdeen, is a matter of deep concern to me.

Sincerely,

B. Allen

Barry Allen
Associate Professor

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Public Works Department on 1997 May 16 TA. Sent May 16/97 (13)

TO THE KIRKENDALE NEIGHBORHOOD ASSOCIATION:

My name is Barry Allen. I live at 311 Bold Street, just off Locke Street, a short walk to the location of the proposed Greenwood bookstore. I have lived on Bold Street since I moved to Hamilton in 1986. I am also a teacher in the department of philosophy at McMaster University.

The most important thing to anyone who actually lives here has to be obvious: Above all else, we want it to remain a good place to live. That does not mean remain the same, not unless the city, the region, the country, the planet will agree to stop changing just for our sake. We change or we die. It's as simple as that.

The city changes, the people change. The important thing is not to keep the neighborhood static, changeless, but to ensure that it continues to remain a good place to live. I do not think that intransigence and simplistic opposition to any and all change is the way to preserve the quality of life in our neighborhood.

The question before us is simple. How would we be better off? Shall we try stop any and all change, try to make the neighborhood as static as possible? That is not a formula for ensuring that the neighborhood remains a good place to live. We will change, whether any one of us likes it or not. This neighborhood will in unforeseeable ways change, just as everything else in the city and the universe. If we think that we can stop this, we are very sadly mistaken.

So what should we do? The answer is simple. We look for opportunities by which to push change in directions that still please us. We have the opportunity for changing. Sarah Whatmough comes to us as a neighbor, with a very decent and well thought out plan for an exciting cultural addition, carried out in the finest possible taste.

There seems to be something wrong with our control of change in this neighborhood. Sarah Whatmough has had to fight at every step for the right to open a sophisticated and immensely desirable bookstore, while a convenience store is to be constructed on the southeast corner of Aberdeen and Dundurn, something that many residents of the neighborhood knew nothing about. Many, many more have expressed reservations and doubts about a new convenience store on an already overloaded intersection than about the prospect of Greenwood bookstore.

I spent Tuesday evening with Sarah Whatmough gathering signatures on a petition asking the city to approve the required zoning changes. We spoke to more than 40 residents of the neighborhood. My impressions was of overwhelming support for Greenwood books.

Yet those who claim to speak for the residents of Kirkendale oppose the bookstore. Some ask, why doesn't Sarah Whatmough set up somewhere else, somewhere already commercially zoned? There is a simple answer. No suitable existing commercial location is available at a rent that is realistic for a small new-and-used bookshop.

Bookstores like Greenwood are small, small scale. Greenwood is not trying to be the Kirkendale branch of Chapters. If you want a comparison, think of Brian Prynce Bookstore, in Westdale. Greenwood is a different-shaped property, but the size of the proposed store area is no greater.

Sarah Whatmough has worked hard to enhance the charm and beauty of the fine house she bought at 412 Aberdeen. It is no accident that a house dating from 1878, and among Hamilton's finest old houses, was chosen as the site for Greenwood bookstore. It is a house whose grace and good taste embody the aspirations Sarah has for the bookstore. The bookstore is, literally, her living room. People who come in can expect to be treated as welcome guests in her home. They will be able to browse the shelves, order books, meet the artists whose work graces the walls, and find friends and conversation.

So the reason for choosing 412 Aberdeen and calling for new zoning is because there is no other feasible way to do the wonderful thing Sarah Whatmough wants to do. To tell her No, to say that she must rent something already commercially zoned, is just a legalistic way of saying No to the very idea of Greenwood bookstore. It comes to the same thing.

That is why I say that we have the opportunity to choose. Our decision, and the subsequent decision of the City, about the change of zoning is a decision about Yes or No to Greenwood bookstore. We have to make a decision about the sort of change we want to see in the neighborhood. Don't think you can stop change by always saying no and trying to clamp down so tight that no change can get in.

The goal is inherently impossible, and there is no chance of success. Instead, we must say what <u>sort</u> of change we want to see. By saying Yes to Greenwood bookstore we are saying yes to intelligent, restrained, tasteful, mutually enhancing change. Yes, let's have all of that that we can!

In my opinion, the neighborhood would be immensely improved, in countless wonderful ways, by Greenwood bookstore. In my view, there are no costs whatsoever to the quality of life for any one who actually lives here. Instead, I think it is obvious that the neighborhood and indeed the whole city will benefit greatly from Greenwood. We already have.

Some of you may know of the three musical evenings, in November, January, and April, held at the site of the proposed bookstore. On each occasion some of the best musicians in the region performed to overflowing audiences. Painting and sculpture from some dozen artists were displayed, and there have been sales. I spent $100 on some exceptional African carvings that I first saw at Greenwood. The most recent evening, featuring the Dundas Valley Winds, raised more than $500 for the McMaster-Chedoke children's hospital.

This is something we are supposed to oppose? We are supposed to say No to the music, No to the art, No to the charity, No to the prospect of being home to the outstanding small bookstore in southern Ontario? Who's idea of leadership is that?

I never supposed I would attend, let alone address a neighborhood meeting. But I never thought that those who claim to lead us and speak in our name would say No to the wonderful changes Sarah Whatmough proposes.

If you listen to the opposition, who even claim to speak in the name of the entire neighborhood, we are supposed to gather here in this public forum, and exert our moral force to condemn and forbid what Greenwood has already given. We are urged to say No to the music, No to the books, No to the vitality, generosity, and good taste of every public gesture so far from Sarah Whatmough and Greenwood books.

I have seen the petition from 238 Kirkendale residents who believe that Greenwood bookstore would be a fine and welcome addition to their neighborhood. They are urging the city to look favorably upon the new zoning the bookstore requires. They do not share the present view of those who speak for the neighborhood association. Nor do they share the unthinking intransigence of a Mr. Robert Morrow (who is no relation to our honorable Mayor), the author of a broadsheet many of you have received.

Mr. Morrow has stood in the way of Greenwood bookstore at every step of the way. He had the city's first by-law, approving Greenwood bookstore without rezoning, overturned by the Municipal Board. Now he is militating against the plan to make an appropriate new zoning. He complained of the lack of parking. Sarah Whatmough had her backyard gavelled and made 5 parking spaces. Doesn't matter. Now Mr. Morrow holds up the parking as menacing evidence of traffic congestion, as southern Ontario flocks to Hamilton's newest small new-and-used bookstore.

Does this sound like the serious argument of a concerned resident? It is not. It is juvenile intransigence. It is bullying. It is someone gambling with the future of a neighborhood where he does not actually choose to live.

I think it is appropriate to mention that Mr. Morrow does not live in our neighborhood. He did in the past, when he was a child. He still owns property here, which he rents, but he himself chooses to live on the Mountain.

How can we be expected to take seriously opinions about the quality of our neighborhood by a man who deliberately chooses not to live here? What right has he to invoke our name, or to try to bully the neighborhood to his crimped and thoughtless vision of the future?

His thinking is stuck in the past. He wants to treat neighborhood as a museum, make it changeless, keep it just the way it was when he was a child. We cannot afford to have our neighborhood loose this unique opportunity just for the sake of Mr. Morrow's selfish private fantasies. His opposition is without foundation for any thinking person honestly concerned about the future of our neighborhood.

Mr. Morrow's broadsheet speaks ominously about the prospect of so evil and destructive a thing as the sneaky so-called bookstore of the mysterious WHATMOUGH MANAGEMENT INC. This is a transparent, juvenile effort to confuse and mislead us. Yes, Sarah Whatmough is incorporated. She is a local business-person. She receives no government handout. She has to make a living just like the rest of us. She manages two gas stations, and that requires the legal formality of incorporation.

Mr. Morrow has constantly urged anyone who will listen to read something ominous in this everyday legal practice. This is evidence that his opposition is fueled by an overactive fantasy for which he expects us to pay the cost.

*

I think no one who actually lives here can, with a clear understanding of the issues, find a single thing about Greenwood that is not a boon to neighborhood and city alike. Does anyone seriously believe that their properties values, safety, or quality of life will be impaired by a small, graceful bookshop inconspicuously located in the front room of a fine old house?

If anything, we will be making Kirkendale an even more attractive and pleasant place to live. Aberdeen Avenue is not one of the quiet little streets of Kirkendale. It is an arterial road, an exit off the 403 highway. We can't change that. But we do have a unique opportunity to have a say in what sort of change we want to see on Aberdeen and in our neighborhood. Those who have organized against Greenwood bookstore owe us a good explanation of why they want to throw this unique opportunity away.

In my view, the opposition grievously misleads us. I say, let us choose the change offered by Greenwood books. Let Sarah Whatmough's proposal have our warm and gracious blessing. Let the new zoning be approved without delay. And let us have no more of the misguided opposition by those who claim to speak in our name.



cc. City Clerk
Alderman Mary Kiss
Alderman Marvin Caplan
Mayor Robert Morrow

2.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 May 15
ZAC-97-05
Allison Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning - Lands located east of Springside Drive, south of Jacqueline Boulevard and west of the proposed extension of Upper Wellington Street.

RECOMMENDATIONS:

A That Zoning Application ZAC-97-05, **200 Rymal Road Inc. (A. DiSilvestro, President), owner**, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family) District (Block "1") and for a further modification to the established "B-2" (Suburban Residential) District (Block "2") regulations to allow for small lot single family dwellings (average lot width 10 m) and to reduce the minimum required lot size from an average of 510 m^2 to a minimum of 480 m^2 shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

(i) the proposed "R-4" (Small Lot Single Family) District does not provide for a proper gradation of lot sizes in accordance with the approved Allison Neighbourhood Plan;

(ii) the proposed "R-4" (Small Lot Single Family) District adjacent to the existing "B-2" District (Block "1") does not provide for a proper transition of lot sizes; and,

(iii) the proposed "R-4" (Small Lot Single Family) District would result in an overconcentration of small lot single family dwellings whereas the existing approved development pattern provides for a balance of lot widths (i.e. 15 m, 12 m and 10 m wide lots) as provided for in the neighbourhood plan.

B That approval be given to amended Zoning Application ZAC-97-05, **200 Rymal Road Inc. (A. DiSilvestro, President), owner**, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family) District (Block "1") and for a further modification to the established "B-2" (Suburban Residential) District (Block "2") regulations to allow for small lot single family dwellings (average lot width 10 m) and to reduce the minimum required lot size from an average of 510 m^2 to a minimum of 480 m^2 shown as Blocks "1" and "2" on the attached map marked as APPENDIX "B", on the following basis:

(i) That Block "1" be rezoned from "C" (Urban Protected Residential, etc) District to "R-4" (Small Lot Single Family) District; and,

(ii) That Section 2.(a) of Zoning By-law No. 93-042, is deleted in its entirety and replaced with the following:

"notwithstanding the provisions of Section 8B(4) of By-law No.6593, every lot or tract of land shall have a width of at least 15.0 metres and an area of at least 480 square metres within the district."

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - 1303a, and that the subject lands on Zoning District Map W-9B be notated S - 1303a;

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9E for presentation to City Council;

(v) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family) District (Block "1") and for a further modification to the established "B-2" (Suburban Residential) District (Block "2") regulations on the following basis:

Block "1" - from "C" (Urban Protected Residential, etc) District to "R-4" (Small Lot Single Family) District; and,

Block "2" - further modification to the established "B-2" (Suburban Residential) District (Block "2").

The effect of the By-law is to permit the development of the subject lands for 25 Small Lot Single Family Dwellings (average lot width of 10.0 m) (Block "1") and 32 Single Family Dwellings (minimum lot width of 15 m) (Block "2") in accordance with the proposed revised draft plan of subdivision "Allison Estates, Phases 1 - 5" (inclusive) (25T-91014(R)). The balance of the subdivision that is not part of the proposed changes in zoning will be developed for 54 single family lots (minimum lot width of 12 m).

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Zoning Application 92-23 and Draft Plan of Subdivision 25T-91014 "Allison Estates"

Council, at its meeting of February 9, 1993, approved Zoning Application 92-23 and Draft Plan of Subdivision 25T-91014 "Allison Estates". The changes in zoning were from "AA" (Agricultural) District to "B-2" (Suburban Residential) District, "C" (Urban Protected Residential, etc.) District and "R-4" (Small Lot Single Family) District. The changes in zoning were in accordance with the proposed draft plan of subdivision "Allison Estates". The draft plan of subdivision was for 150 lots for single family dwellings and various Blocks for roads, park and future residential purposes.

Zoning Application 96-01 and Draft Plan of Subdivision 25T-91014(R) "Allison Estates - Phase 1, Stage 2"

Council, at its meeting of May 14, 1996, approved Zoning Application 96-01 and Revised Draft Plan of Subdivision 25T-91014(R) "Allison Estates - Phase 1, Stage 2". The zoning application was for lands located at the south-west corner of Upper Wellington Street and Rymal Road East. The changes in zoning were from "DE-3" (Multiple Dwellings) District, modified, to "R-4" (Small Lot Single - Family Dwelling) District, modified and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single - Family Dwelling) District. The subdivision proposal was to create a 21 lot cul-de-sac.

APPLICANT:

200 Rymal Road Inc. (A. DiSilvestro, President), owner.

AGENT:

David Elliot, Agro, Zaffiro, Parrente, Orzel & Baker.

LOT SIZE AND AREA:

The subject property is irregular in shape and has the following dimensions

- 124.05 m of lot width;
- 454 m of lot depth; and
- 8.31 ha of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant lands	"C" (Urban Protected Residential, etc) District and "B-2" (Suburban Residential) District, modified
Surrounding Land Use		
to the north	Residential	"R-4" (Small Lot Single Family) District and "B" (Suburban Agricultural and Residential, etc) District
to the south	Vacant lands	N/A (Town of Glanbrook)
to the east	Vacant lands	"C" (Urban Protected Residential, etc.) District
to the west	Single Family Dwellings	"B" (Suburban Agriculture and Residential, etc.) District

OFFICIAL PLAN:

The lands are designated **Residential** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan. The proposed changes in zoning, as amended comply with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single & Double" Residential in the Allison Neighbourhood Plan. The proposed changes in zoning, as amended, comply with the approved Allison Neighbourhood Plan.

COMMENTS RECEIVED:

- The Building Department has advised:

"1. By-law 93-42 presently permits a maximum of 29 lots having a width of 15.0m and average lot area of 510.03m^2, of which no lot shall be less than 480m^2.

2. Every lot within a B-2 District requires a minimum lot width of 15.0m and lot area of 540 m^2.

3. The special requirements of Section 2 of By-law 93-42 should be repealed.

4. A new special requirement should be established for a minimum lot area of 480 m^2 instead of the provision requirement of Section 8.B.(4) of By-law 6593.

5. The information of the "Legend" is incorrect with respect to which Block, designation and proposed zone change applies to what lands.

6. The R-4 District requires that each lot must be at lease 9.0m wide and an area of 278.0m^2 and all the lots in the zone have an average lot width of 10.0m and an average lot area of 306.0m^2.

7. No lot widths or lot area have been provided for the proposed lots to determine confirmation."

- The Traffic Division, Department of Public Works and Traffic has advised that:

"We recommend that the development of the lands south of Serena Drive be subject to the roadway connections of Jacqueline Boulevard and Serena Drive external to this plan subdivision being established and constructed. Alternatively, the development of these lands would be permitted subject to the provision of temporary turning circles at the limits of Serena Drive, Magenta Court and Jacqueline Boulevard.

In addition, we recommend that the development of the lands north of Serena Drive should include the connection of Kirkfield Road to Springside Drive."

- The Regional Environment Department, has advised that:

"Servicing of the subject lands will be dealt with through the Draft Plan of Subdivision.

The Region's Transportation Department, Roads Division have the following comments with respect to this application:

(1) It is our understanding that this Zoning Application will not change the approved

street network in this subdivision but only the lot sizes and we have reviewed the application on that basis.

(2) It is desirable to establish another street access to this subdivision as soon as possible and consideration should be given to constructing a street connection to Kirkfield Road in the next phase of subdivision construction. The increase in lot density will likely accelerate the requirement for this additional street connection."

- The Hamilton Region Conservation Authority has no objection to the approval of the application.

- The Regional Environment Department, Planning Division advised that the proposal conforms with the Hamilton-Wentworth Official Plan.

COMMENTS:

1. The proposal, as amended, complies with the intent of the Official Plan and the approved Allison Neighbourhood Plan.

2. The proposal has merit and can be supported in that it would be compatible with existing and future planned residential uses.The approved Allison Neighbourhood Plan designates the lands to the west of the subject lands as "Very Large Lots". The lands abutting the existing development is designated for "Large Lots" and this designation was implemented through the "B-2" District zoning. The proposed changes in zoning will provide for the gradation of density in the neighbourhood plan with the larger lots located west of the extension of Jacqueline Blvd. and "C" District located along the remainder of Jacqueline Blvd. The smaller lots, proposed to be zoned "R-4" District, will be located adjacent to the neighbourhood park and entrance to the neighbourhood from Upper Wellington Street.

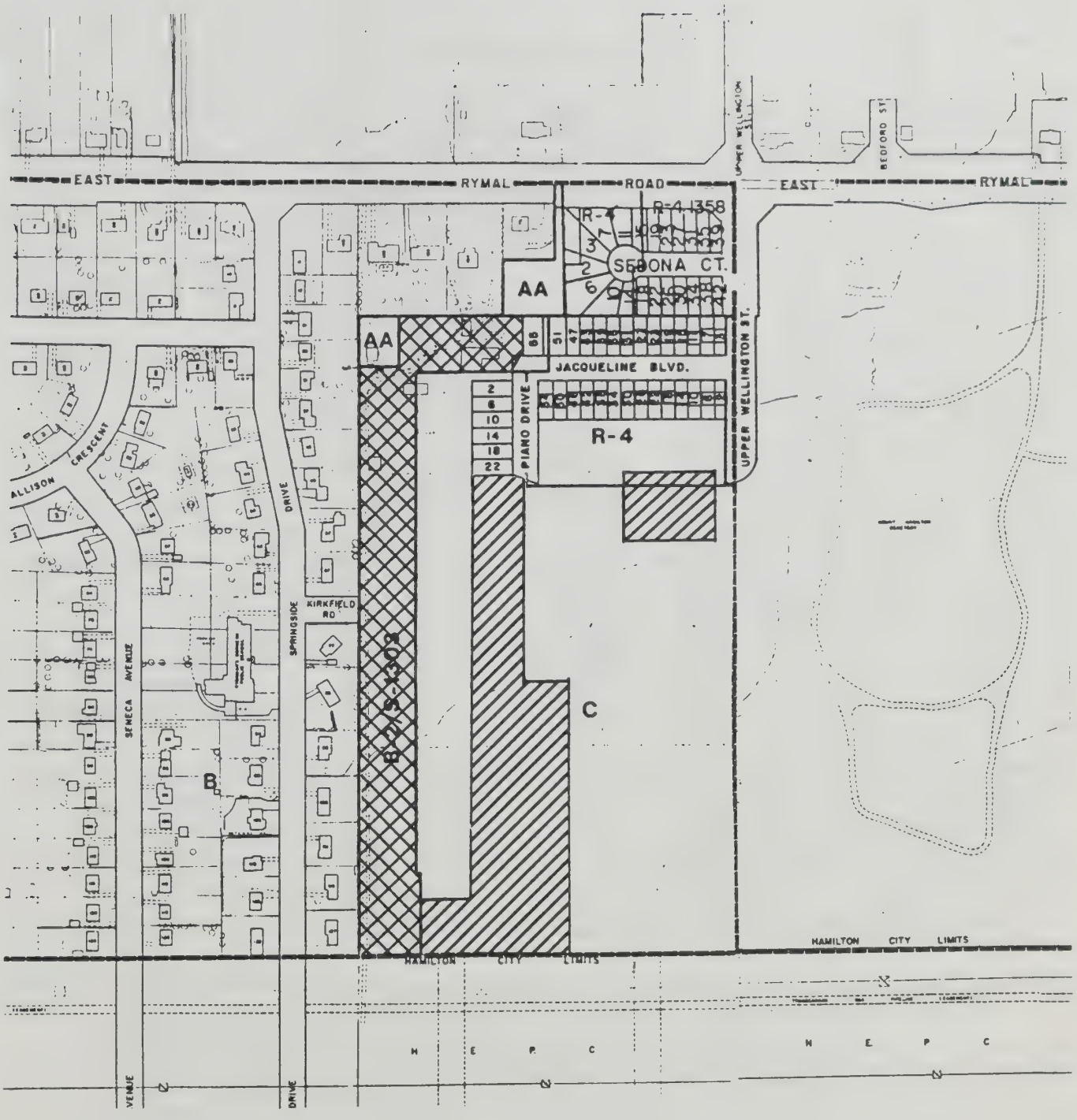
3. The reduced lot area for the "B-2" District can be supported since the lot width is still being maintained. As such, the gradation in density and lot sizes from the existing large lots to the west of the subject lands to the smaller "R-4" District lots will be maintained. In addition, the reduced lot area will not have any adverse affect on the streetscape in that the lot width is being retained.

4. The proposed change in zoning from "C" District to "R-4" District will allow for the construction of "starter homes" in the immediate proximity of the neighbourhood park. Starter homes are more likely to be occupied by families with children and as such will utilize the neighbourhood park facilities. In addition, households will move-up to a larger home as their space needs increase (i.e. to a "C" District).

CONCLUSION:

Based on the foregoing, the application, as amended, can be supported.

SR/sr
ZA-97-10.RPT



Legend

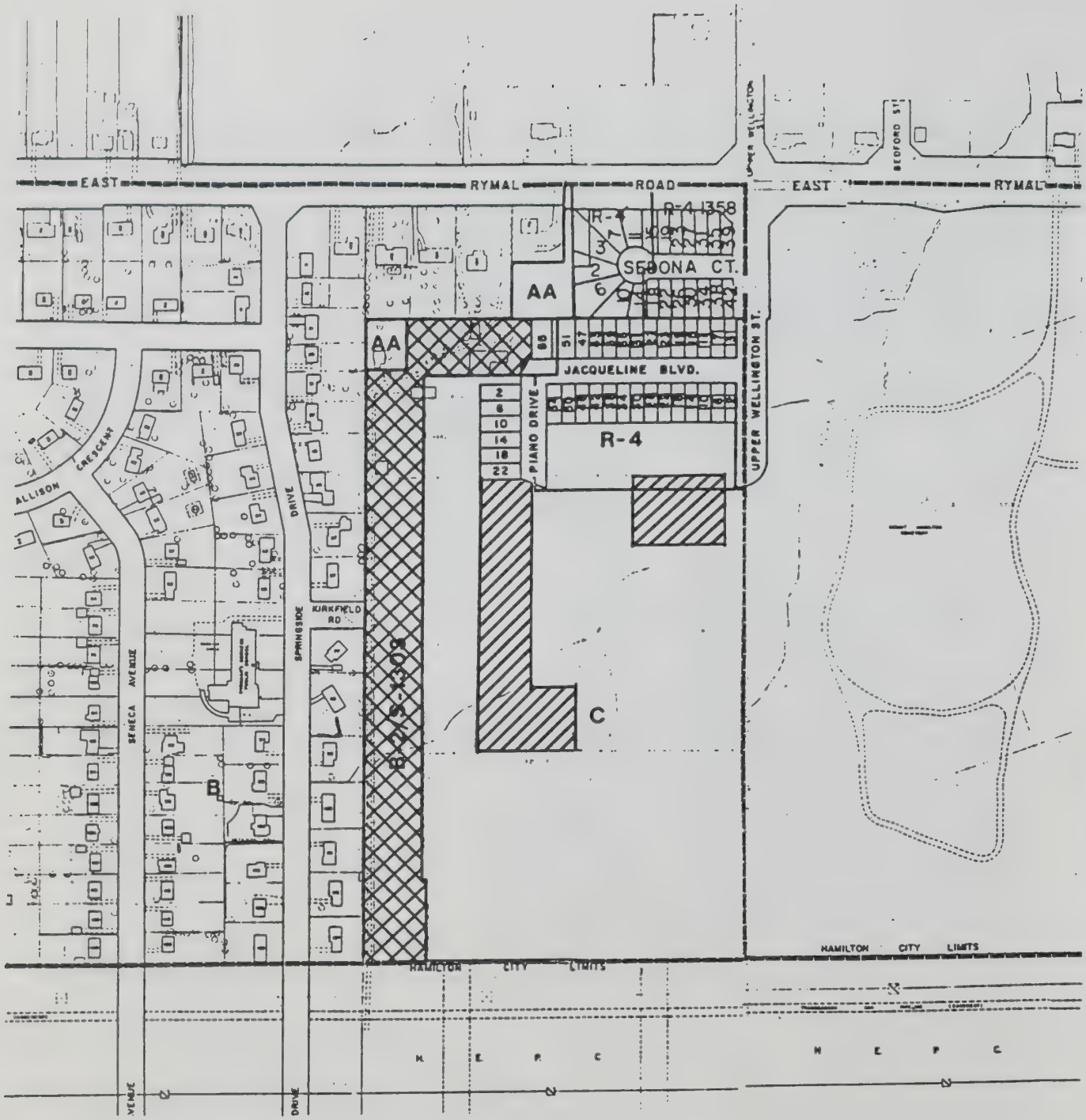
Proposed change in zoning from:

BLOCK 1 — " C " (Urban Protected Residential, etc.) District to" R-4" (Small Lot Single Family Dwelling) District

BLOCK 2 — Further Modification to " B-2 " (Suburban Residential) District

ZAC- 97 - 05

APPENDIX "A"



Legend

Change in Zoning from :

Block 1 — "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District

Block 2 — Further Modification to "B-2" (Suburban Residential) District

Reference File No.	
ZAC-97-05	
Drawn By	Date
W. B.	May 1997
Scale	
Not to Scale	
North	

APPENDIX "B"

3

CITY OF HAMILTON

- RECOMMENDATION -

MAY 14 1997

DATE: 1997 May 14
ZAC-97-08

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for an Official Plan Amendment and changes in zoning for property located west of Upper James Street and east of West Fifth Street, the rear portion of 1187 West Fifth Street and 1514 Upper James Street and 1468-1500 Upper James Street

RECOMMENDATIONS:

A. That approval be given to Official Plan Amendment No. to redesignate the rear portion of Block "2" from "Residential" to "Commercial" on Schedule "A" and to include Block "1" within Special Policy Area 31 and the rear portion of Block "2" within Special Policy Area 31b on Schedule B - Special Policy Areas and to redesignate Special Policy Area 31c to Special Policy Area 31b, and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,

B. That approval be given to Zoning Application 97-08, Rosart Properties, owner, requesting a change in zoning from "RT-20" (Townhouse-Maisonette) District modified to "G-1" - 'H' (Designed Shopping Centre - Holding) District modified, for Block "1"; from "AA" (Agricultural) District to "G-1" - 'H' (Designed Shopping Centre - Holding) District modified, for Block "2"; from "C" (Urban Protected Residential, etc.) District to "G-1" - 'H' (Designed Shopping Centre - Holding) District modified, for Block "3"; from "C" (Urban Protected Residential, etc.) District modified to "G-1" - 'H' (Designed Shopping Centre - Holding) District modified, for Block "4", to permit development of the subject lands for a parking area and a non-retail use [ie. daycare], Block "1"; and a commercial plaza, Blocks "2", "3" and "4", for the property located west of Upper James Street and east of West Fifth Street, the rear portion of 1187 West Fifth Street and 1514 Upper James Street (Block "1") and 1468-1500 Upper James Street (Blocks 2, 3, and 4), shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until such time as:

a) the applicant/owner has received approval of a storm water management study for Blocks "1" and "2" by the Commissioner of the Regional Environment Department; and,

b) the applicant/owner has applied for and received approval of a Site Plan Control Application from the City of Hamilton for Blocks "1","2" "3' and "4";

Removal of the holding restriction shall be conditional upon completion of a storm water management study for Blocks "1" and "2" and a Site Plan Control Approval for Blocks "1","2", "3", and "4". City Council may remove the 'H' symbol, and thereby give effect to the "G-1" District provisions as stipulated in this By-law by enactment of an amending By-law(s) once these conditions are fulfilled.

ii) That Block "1" be rezoned from "RT-20" (Townhouse-Maisonette) District modified to "G-1" - 'H' (Designed Shopping Centre - Holding) District;

iii) That Block "2" be rezoned from "AA" (Agricultural) District to "G-1" - 'H' (Designed Shopping Centre - Holding) District modified;

iv) That Block "3" be rezoned from "C" (Urban Protected Residential, etc.) District to "G-1" - 'H' (Designed Shopping Centre - Holding) District modified;

v) That Block "4" be rezoned from "C" (Urban Protected Residential, etc.) District modified to "G-1" - 'H' (Designed Shopping Centre - Holding) District modified;

vi) That the "G-1" (Designed Shopping Centre) District regulations, as contained in Section 13A of Zoning By-law No. 6593, applicable to Blocks "1","2","3" and "4" be modified to include the following variances as special provisions:

a) That notwithstanding Section 13A.(1), only the following uses shall be permitted on Block "1":

1) day nursery; and,
2) parking area.

b) That notwithstanding Section 13A.(4)(a), a front yard of a depth of not less than 6.0 m shall be provided and maintained along the entire easterly boundary of Blocks "3" and "4";

c) That notwithstanding Section 13A.(4)(b), no side yard shall be provided along the entire southerly boundary of Block "2";

d) That notwithstanding Section 13A.(1)(x) and 13A.(1)(xii) of Zoning By-law No. 6593, only one (1) shopping centre identification sign or business identification sign that is a ground sign and having a vertical dimension of not more than 6.0 metres, an aggregate area of vertical projection of not more than 1.0 square metres per 0.5 metres of street frontage of the lot, and located not less than 4.5 m from the Upper James Street streetline shall be permitted;

e) That notwithstanding clause 2.(2) J.(xb) of Zoning By-law No. 6593, one (1) directional sign at each point of ingress and egress, and each said sign of a size not exceeding 1.2 square metres (12.92 square feet) shall be permitted;

f) That no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination;

g) That a minimum 6.0 m wide landscape area shall be provided and maintained along the entire easterly boundary of Blocks "3" and "4", except for any area used for driveway access;

h) That a planting strip not less than 6.0 m in width and a visual/acoustical barrier between 1.8 m and 2.0 m in height shall be provided and maintained along the entire westerly lot line of Block "2", except for any area used for pedestrian access;

i) That a planting strip not less than 6.0 m in width and a visual/acoustical barrier between 1.8 m and 2.0 m in height shall be provided and maintained along the entire northerly and westerly lot lines of Block "1";

vii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S- , and the subject lands on Zoning District Map W-9D be notated S- ;

viii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9D for presentation to City Council;

ix) That the approved Mewburn Neighbourhood Plan be amended by:

1) redesignating Block "1" from "ATTACHED HOUSING" to "COMMERCIAL";
2) redesignating Block "2" from "ATTACHED HOUSING" and "NEIGHBOURHOOD COMMERCIAL" to "COMMERCIAL";

3) redesignating Blocks "3" & "4" - from "NEIGHBOURHOOD COMMERCIAL" to "COMMERCIAL";
4) adding a notation to the Plan indicating the applicable Urban Design Guidelines; and,
5) deleting the mid-block collector.

Amendments to the Neighbourhood Plan will be processed upon finalization of the implementing By-law;

x) That the proposed modifications in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth.

C. The Planning and Development Department be authorized to hold a public meeting to consider changes to the land use patterns and internal road configuration in the approved Mewburn Neighbourhood Plan resulting from the removal of the mid-block collector.

EXPLANATORY NOTE:

An Official Plan Amendment is required to redesignate the rear portion of Block "2" from "Residential" to "Commercial" on Schedule "A" and to include Block "1" within Special Policy Area 31 and the rear portion of Block "2" within Special Policy Area 31b on Schedule B - Special Policy Areas and to redesignate Special Policy Area 31c to Special Policy Area 31b.

The purpose of the by-law is to provide for changes in zoning for lands located west of Upper James Street and east of West Fifth Street, the rear portion of 1187 West Fifth Street and 1514 Upper James Street (Block "1") and 1468-1500 Upper James Street, (Blocks "2", "3", and "4"), as shown on the attached map, on the following basis:

Block "1"- From "RT-20" (Townhouse-Maisonette) District modified to "G-1" - 'H' (Designed Shopping Centre - Holding) District modified;

Block "2"- From "AA" (Agricultural) District to "G-1" - 'H' (Designed Shopping Centre - Holding) District modified;

Block "3"- From "C" (Urban Protected Residential, etc.) District to "G-1" - 'H' (Designed Shopping Centre - Holding) District modified; and,

Block "4"- From "C" (Urban Protected Residential, etc.) District modified to "G-1" -'H' (Designed Shopping Centre - Holding) District modified.

The effect of the by-law is to permit the future development of the lands as follows:

Block "1" - Parking area and a non-retail use (ie. daycare); and,

Block "2", - "3",& "4" Retail stores, offices, restaurant, bank, etc.

In addition, the By-law provides for the following variances as special requirements which:

- restricts the uses on Block "1" to a day nursery and parking area;
- permits a minimum front yard of 6.0 m (20 feet) along the easterly lot line of Blocks "3" & "4" whereas 11.0 m (36 feet) is required;
- permits no side yard along the entire southerly boundary of Blocks "2";
- permits only one (1) shopping centre identification sign or business identification sign that is a ground sign and having a vertical dimension of not more than 6.0 metres, an aggregate area of vertical projection of not more than 1.0 square metres per 0.5 metres of street frontage of the lot, and located not less than 4.5 m from the Upper James Street streetline shall be permitted;
- permits one (1) directional sign at each point of ingress and egress, and each sign shall not exceed 1.2 square metres (12.92 square feet) in size, whereas no signs are permitted in the required landscape area;
- requires signs to be illuminated by a source of light that is steady and suitably shielded to contain the illumination;
- requires a landscape area not less than 6.0 m along the entire easterly boundary of Blocks "3" and "4", except for any area used for driveway access;
- requires a planting strip not less than 6.0 m in width and a visual/acoustical barrier between 1.8 m and 2.0 m in height shall be provided and maintained along the entire westerly lot line of Block "2", except for any area used for pedestrian access;
- requires a planting strip not less than 6.0 m in width and a visual/acoustical barrier between 1.8 m and 2.0 m in height shall be provided and maintained along the entire northerly and westerly lot lines of Block "1";

In addition, the amending By-law applies the holding provisions of Section 36(1) of the Planning Act, R.S.O 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until such time as the applicant owner has received approval of a storm water management study for Blocks "1" and "2" and has applied for and received approval of a Site Plan Control Application from the City of Hamilton for Blocks "1", "2" "3", and "4";

City Council may remove the 'H" symbol and thereby give effect to the "G-1" District modified provisions as stipulated in this By-law by enactment of an amending By-law(s) once the conditions are fulfilled.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The purpose of the application is to permit the future development of the lands for a parking area and a non-retail use (ie. daycare) on Block "1", and a commercial plaza consisting of such uses as retail stores, offices, restaurant, bank, etc. on Blocks "2", "3", and "4" of the subject lands. The gross leasable space will be 11,923 m^2 (128,350 sq. ft) and there will be approximately 616 parking spaces. The applicant has submitted a preliminary site plan (see Appendix 'B') which shows a comprehensive development scheme in conjunction with lands immediately to the south.

- ZA-89-22 and ZA-89-23 - For lands immediately south and east of subject lands

  The Planning and Development Committee and City Council, at their meetings of May 22, 1991, and May 28, 1991, respectively, approved Zoning Applications 89-22 and 89-23, to permit future development of the lands for a retail shopping plaza and townhouses, lands municipally known as 1508, 1514, and 1530 Upper James Street immediately south of the subject lands. The lands municipally known as 1514 Upper James Street are lands shown as Block "1" of the subject application.

  Approval was granted and the lands place in a holding provision which will prohibit the development of the subject lands until a site plan is approved for a comprehensive development of the commercial lands. By-law 91-143 came into effect on September 9, 1991.

  The applicant has yet to submit a site plan control application as stipulated in By-law 91-143.

- ZAC-95-10 - For lands immediately east of subject lands north of mid-block collector

  The Planning and Development Committee and City Council, at their meetings of July 5, 1995, and July 11, 1992, respectively, approved Zoning Application 95-10, to permit future development of the lands, known as 1451-1471 Upper James Street, for a retail commercial

plaza on the east side of Upper James Street, as a neighbourhood shopping centre at the mid Block collector (i.e. Regina Drive).

Approval was granted and the lands place in a holding provision which will prohibit the development of the subject lands until:

a) installation of municipal storm and sanitary sewers, and water services for Block "3" of the subject lands as the City deems necessary; and,

b) the applicant/owner has applied for and received approval of a Site Plan Control Application from the City of Hamilton.

By-law 95-182 was passed by City Council on September 26, 1995 and subsequently appealed to the Ontario Municipal Board. The O.M.B. dismissed the appeal, thus By-law 95-182 came into effect on July 4, 1996.

- Design Guidelines for Upper James Street Corridor

The subject lands are within the Upper James Street Corridor and are subject to the Urban Design Guidelines as set out in the approved Mewburn Neighbourhood Plan. According to these guidelines the lands are designated to be a mid-block node/village (see Appendixes "C" and "D") for which the following policies are applicable:

> This area will be developed in the form of several small plazas, one located on each corner of the intersection. The plazas will be roughly U-shaped, with wide sidewalks to the front and parking areas to the rear.
>
> The area will be designed primarily for the use of pedestrian traffic, rather than through automobile traffic. It will provide local neighbourhood-based shopping and other services for nearby residents. It will also act as a gateway to the neighbourhood, by means of the collector road. A small town atmosphere will be encouraged.
>
> The maximum building height permitted will be 3 to 4 stories. This may enable mixed use buildings with commercial on lower floor(s) and residential on upper floor(s).

LOT SIZE AND AREA:

Block "1"

- 76.77 m (334.64 ft.) of lot width approximately
  rear portion of 1187 West Fifth Street and 1514 Upper James Street;
- 122.0 m (400.0 ft.) of lot depth; and,
- 9272.0 m^2 (2.2 acres) of lot area.

Blocks "2","3", & "4"

- 142.3 m (466.0 ft.) of lot frontage on Upper James Street;
- 153.84 m (504. ft.) of lot depth, approximately; and,
- 21,000 m^2 (226,049.0 sq. ft.) of lot area, irregular.

APPLICANT:

Rosart Properties, owner.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant and garden centre	"RT-20" (Townhouse-Maisonette) District modified - Block "1", "AA" (Agricultural) District - Block "2", "C" (Urban Protected Residential, etc.) District - Block "3", "C" (Urban Protected Residential, etc.) District modified - Block "4"
Surrounding Lands		
to the north	Vacant and Single-Family Dwellings	"AA" (Agricultural) District
to the east	Vacant	"G"- 'H' (Neighbourhood Shopping Centre, etc. - Holding) District, Modified.
to the west	Single-Family Dwellings	"AA" (Agricultural) District
to the south	Vacant and Single-Family Residential	"G-1" - 'H'(Designed Shopping Centre - Holding) District, Modified

OFFICIAL PLAN:

The rear portion of Block "2" is designated "RESIDENTIAL" on Schedule "A" - Land Use Concept to the Official Plan. In addition, Blocks "3" and "4" are designated "COMMERCIAL" on Schedule "A" - Land Use Concept to the Official Plan

In addition, Blocks "3" and "4" are also located within Special Policy Areas 31b and 31c, as shown on Schedule "B" - Special Policy Areas.

The following policies should be noted:

"A.2.2.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities."

A.2.2.13 Where feasible, Council will give preference to SHOPPING CENTRES proposed to be located in Extended Commercial areas where such CENTRES serve to infill or consolidate existing Commercial development."

A.2.2.34 COMMERCIAL establishments or centres that are proposed adjacent to existing COMMERCIAL USES will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.

A.2.2.35 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;

ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,

iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.

A.2.2.36 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.

A.2.2.40 Where possible, loading facilities and parking space for delivery vehicles will be located, buffered and screened, so as to minimize adverse impacts on adjacent Residential Uses."

The commercial component of the proposal is also located within Special Policy Area 31b and 31c on Schedule B - Special Policy Areas of the Official Plan. Since it is intended that SPA 31c be deleted. Accordingly, the following policies of Subsection A.2.9.3 - Other Policy Areas should also be noted:

"A.2.9.3.26 In keeping with the provisions of Subsection 2.2 - Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 31, (which includes 31a, 31b and 31c), and designated "Commercial" on Schedule "A" the following will apply:

i) The Upper James Street frontage is recognized as a highway-oriented Commercial area which will include a diversity of retail and service uses catering not only to the travelling public, but to the daily needs of the adjacent neighbourhoods.

ii) In keeping with Clause i) above, three sub-areas are identified to provide the following uses within the SPECIAL POLICY AREA:

c) in AREAS "31b", retail/warehouse uses will be permitted in keeping with Policies A.2.2.16 and A.2.2.18.

iv) Design guidelines will be prepared in conjunction with the Neighbourhood Plan to detail such matters as, but not limited to:

a) minimizing potential conflicts between the Commercial uses fronting on Upper James Street, and the Residential uses within the Neighbourhood, by establishing an appropriate buffer or transitional area which may include landscaping, berming and/or fencing;

b) providing guidelines to enhance the visual amenity of the Upper James Street frontage; and,

v) To ensure a co-ordinated approach in the development of SPECIAL POLICY AREAS 31, 31a, 31b and 31c, and to enhance Upper James Street as a viable Commercial area, proponents of development or redevelopment will be encouraged to co-operate with adjacent property owners regarding such matters as, access, parking, architectural quality and design, and landscaping."

The proposal does not conform with the Official Plan. If approved an Official Plan Amendment is required to redesignate the rear portion of Block "2" from "RESIDENTIAL" to "COMMERCIAL" on Schedule "A" and to include Block "1" within Special Policy Area 31 and the rear portion of Block "2" within Special Policy Area 31b on Schedule "B" - Special Policy Areas. In addition, to provide consistency for the Special Policy Area, it would be appropriate to redesignate Blocks "3" and "4" from SPA 31c to 31b.

NEIGHBOURHOOD PLAN:

If the zoning application is approved, the Mewburn Neighbourhood Plan would require the following changes:

- Block "1" - from **"ATTACHED HOUSING"** to **"COMMERCIAL"**;
- Block "2" - from **"ATTACHED HOUSING"** and **"NEIGHBOURHOOD COMMERCIAL"** to **"COMMERCIAL"**; and,
- Blocks "3" & "4" - from **"NEIGHBOURHOOD COMMERCIAL"** to **"COMMERCIAL"**.

Although Blocks "3" and "4" are proposed to be redesignated to "Commercial" the urban design guidelines with respect to setbacks, pedestrian traffic etc. are still applicable. In this regard, a notation and the Neighbourhood Plan would be required to indicate that specific urban design guidelines, applicable to the "Neighbourhood Commercial" designation are to be retained.

The proposal also includes the removal of the mid-block collector as shown on the approved Mewburn Neighbourhood Plan which will affect the internal road and land use pattern. It is recommended that a public meeting be held to discuss these proposed changes. Furthermore, any change to the approved Mewburn Neighbourhood Plan should include a pedestrian link(s) to the Commercial Areas. (see Appendicies 'C' and 'D').

RESULTS OF CIRCULARIZATION:

- The following Departments and Agencies have no comment or objections:

  - Hamilton Region Conservation Authority; and,
  - Union Gas.

- The Regional Environment Department has reviewed the application and has forwarded the following comments:

  "As a condition of zoning approval we require that holding provision be placed on Blocks 1 and 2 of the subject lands until such time as our Office has reviewed and approved an appropriate stormwater management study for these lands. Blocks 1 and 2 are serviceable for sanitary sewer and water from Upper James Street.

  Public watermains and storm and sanitary sewers are available on Upper James Street to service Blocks 3 and 4.

  The Region's Transportation Department, Roads Division have the following comments with respect to this application.

  (1) The designated road allowance width of Upper James Street is 36.58 m. In accordance with this designation, we recommend that as a condition of development approval that sufficient lands be dedicated to the Region to establish the property line 18.29 m from the centreline of construction on Upper James Street as noted on the previous Ministry of Transportation of Ontario plans. According to our records, this road widening is 3.048 m in width and is required along the entire portion of land to be developed.

  The site plans submitted by the applicant must be amended accordingly and all setbacks are to be taken from the widened limits of Upper James Street.

  (2) The approval of this application, as submitted, will result in the removal of the mid-block collector street from Upper James Street to the internal neighbourhood and ultimately access to West 5th Street. It is our opinion that the revisions required to the Mewburn Neighbourhood Plan should be undertaken in conjunction with this development approval to ensure that all the concerns of staff and the area residents are addressed.

  (3) The development of these lands must coincide and take into consideration any locations for accesses on the east side of Upper James Street between Delta Drive to north of Regina Drive and the site plans submitted may have to be revised accordingly. At such time as the site plan application is submitted, the exact locations of the accesses will be finalized and the requirement for the construction of raised concrete median islands on Upper James Street will be determined.

The applicant should be advised that the construction of these raised concrete medians on Upper James Street will restrict access to the subject lands.

The construction of these concrete median islands, if approved, must be advertised in accordance with the requirements of the Municipal Act. If these works are satisfactory, the Region must then pass a Road Alteration By-law.

All costs associated with these roadway improvements may be at the sole expense of the applicant/owner through an Access Agreement with the Region.

(4) The main access to the lands to be developed must align centreline to centreline with Regina Drive on the east side of Upper James Street. Further the construction of the access on the west side of Upper James Street, across from Regina Drive must be constructed to our standard geometric design criteria for mid-block collector streets. The Region will also require that additional lands, above the normal road widening requirements, must be dedicated to the Region to ensure that the installation of traffic signals at this intersection at some future date, including the traffic controllers, vehicle loop detectors, handholes, traffic signal poles, etc. are all contained within the Upper James Street road allowance.

(5) Should the rezoning proceed but the mid-block collector street be retained as a public highway, the applicant/owner must enter into the appropriate subdivision agreements with the City and the Region for the dedication of the lands for the street and the required daylight triangles to the City, the establishment and construction of the road to our mid-block cross section, the installation of the required underground services, etc.

- The Building Department has reviewed the application and has advised that based upon the preliminary site plan submitted their are variances required with respect to front and side yard requirements, signs and planting and/or landscape requirements.

- The Traffic Department has reviewed the application and has forwarded the following comments:

"The proposed Official Plan Amendment and zoning application expands the area for commercial purposes. This will have the net effect of increasing the traffic generation for this neighbourhood, adding to the traffic congestion on Upper James Street and the adjacent roadways.
The application deletes the midblock collector roadway connection to Upper James Street. This change separates the commercial and residential uses and eliminates any potential short-cutting through the neighbourhood. However, the residents will not have any direct access to the commercial uses. Residents of the neighbourhood would be restricted to access to and from West 5th Street only. The application is proposing that Block "1" be rezoned for parking and limited non-retail uses. This block is located behind the existing retail stores and new proposed commercial. We question the feasibility of locating a large parking area behind the commercial uses.

The applicant has submitted a preliminary site plan and should be advised that the northerly access must align directly with the proposed Regina Drive alignment to allow for the future signalization of this intersection. The access point must be designed to a high standard. The mid-block access point would be restricted to left and right turns in and right turns out only.

COMMENTS:

1. The proposal does not conform with the Official Plan. If approved an Official Plan Amendment is required to redesignate the rear portion of Block "2" from "Residential" to "Commercial" on Schedule "A" and to include Block 1 within Special Policy Area 31 and the rear portion of Block "2" within Special Policy Area 31b on Schedule B - Special Policy Areas and to redesignate SPA 31c and 31b.

2. The proposal would require the following Neighbourhood Plan amendments:

   - Block "1" - redesignation from **"ATTACHED HOUSING"** to **"COMMERCIAL"**;
   - Block "2" - redesignation from **"ATTACHED HOUSING"** and **"NEIGHBOURHOOD COMMERCIAL"** to **"COMMERCIAL"**;
   - Blocks "3" & "4" - redesignation from **"NEIGHBOURHOOD COMMERCIAL"** to **"COMMERCIAL"**;

   Although Blocks "3" and "4" are proposed to be redesignated to "Commercial", and the urban design guidelines with respect to setbacks, pedestrian traffic, etc. are still applicable. There is merit in having the buildings developed at the access point where the mid-block collector was to be located. One goal of the Upper James Street Design Guidelines is to establish a node at the mid-block collectors in both Mewburn and Ryckman's Neighbourhoods. The concept can be implemented with the placement of two small commercial buildings at the access point (where the mid-block collector was located) and, for this reason, it is recommended that the note be placed on the neighbourhood plan to require the implementation of the node concept.

   In addition, the mid-block collector would be removed. The removal of the mid-block collector can be supported on the basis that an entrance is being provided at the same location as the proposed mid-block collector to ensure that it aligns with Regina Drive on the east side of Upper James Street. In addition, a pedestrian walkway is being provided which will ensure a link between the interior of the neighbourhood and Upper James Street.

   Since the proposal the removal of the mid-block collector will affect the internal road and land use pattern, it is recommended that a public meeting be held to discuss these proposed changes.

3. The proposal has merit and can be supported for the following reasons:

   i) it would be compatible with the existing and proposed commercial development in the area;

   ii) the requested zoning is appropriate for the subject development; and,

   iii) it is consistent with previous approvals (i.e. ZAC-95-10) and allows for comprehensive commercial development along Upper James Street.

4. Given the Regional Environment Department's comments regarding the necessity to complete a storm water management study for Blocks "1" and "2", and the Planning and Development Department's requirement to implement the "Urban Design Guidelines for Upper James Street Corridor" and to ensure comprehensive development of the subject with lands immediately to the south (i.e. common access driveways and manoeuvring aisles, yards, landscape planting strips, etc.), it is appropriate to apply the holding provisions of the Planning Act, to the subject lands. Removal of the holding symbol should be conditional upon the completion of these conditions.

5. With respect to the preliminary site plan (see Appendix "B") submitted and the "Urban Design Guidelines for Upper James Street Corridor" the following variances are required:

   i) Permitted Uses

   The land identified in Block "1" are intended to be used for parking and a day nursery. In this regard, these uses will be restricted to those uses as proposed.

   ii) Front Yard (Section 13A.(4) - Blocks "3" and "4".

   The preliminary site plan shows three (3) three buildings on the subject lands adjacent to the northerly access point with a proposed front yard setback of 6.0 whereas a 11.0 m front yard setback is required under the general provision of the proposed "G-1" District. The "Urban Design Guidelines for Upper James Street Corridor" suggest a 24.0 m setback along Upper James Street, north and south of the Mid-Block Collector and a reduced setback at the mid-block collector to allow the built form to be closer to the intersection. On this basis, the proposed 6.0 m setback is consistent with the intent of Urban Design Guidelines at the Mid-Block Collector Road and will create the desired physical change in the built form along Upper James Street. In this regard, the variance can be supported.

   iii) Side Yard (Section 13A.(4)(b) - Block "2")

   No side yard shall be provided along the entire southerly boundary of Block "2", as proposed, whereas 9.0 m minimum is required. This variance will allow the larger building, shown on the site plan, to connect with the proposed building on the lands to the south. The variance can be supported, since it provides for comprehensive development of the commercial lands.

   iv) Business identification signs 13A.(1)(xi) and (xii) - Blocks "3" & "4".

   One (1) shopping centre identification sign or business identification sign that is a ground sign, has been proposed along Upper James Street. In order to minimize the effect on the adjacent residential uses to the north and reinforce the concept of a gateway to the development and neighbourhood to the east neighbourhood, it is recommended that the only one (1) ground sign be setback 4.5 m from the Upper James Street West streetline,

and be restricted to a vertical dimension of not more than 6.0 metres, and have an aggregate area of vertical projection of not more than 1.0 square metres per 0.5 metres of street frontage of the lot. This restriction is typical of what is permitted in other similar zoning districts (i.e. "G" District to the east).

Furthermore, all signs should be illuminated with a source of light that is steady and suitably shielded to contain the illumination. In addition, one (1) directional sign would be permitted at each point of ingress and egress not exceeding 1.2 square metres (12.92 square feet) in size, which is consistent with existing By-law regulations.

6. The following special provisions should be applied to implement the intent of the approved Mewburn Neighbourhood Plan, in accordance with the Upper James Street Urban Design Guidelines and the Mid-Block Collector, and to mitigate any potential negative spill over effects (eg. noise, headlight glare and sign illumination) on the adjacent residential districts:

   - A minimum 6.0 m wide landscape area should be provided and maintained along the entire easterly lot lines of Blocks "3" and "4", as proposed;

   - A planting strip not less than 6.0 m in width and a visual/acoustical barrier between 1.8 m and 2.0 m in height shall be provided and maintained along the entire westerly lot line of Blocks "2", except for any area used for pedestrian access, as proposed, whereas the By-law requires a 3.0 m minimum planting strip and a visual barrier 1.2 m to 2.0 m in height.

   - A planting strip not less than 6.0 m in width and a visual/acoustical barrier between 1.8 m and 2.0 m in height shall be provided and maintained along the entire northerly and westerly lot lines of Block "1", as proposed, whereas the By-law requires a 1.5 m minimum planting strip and a visual barrier 1.2 m to 2.0 m in height.

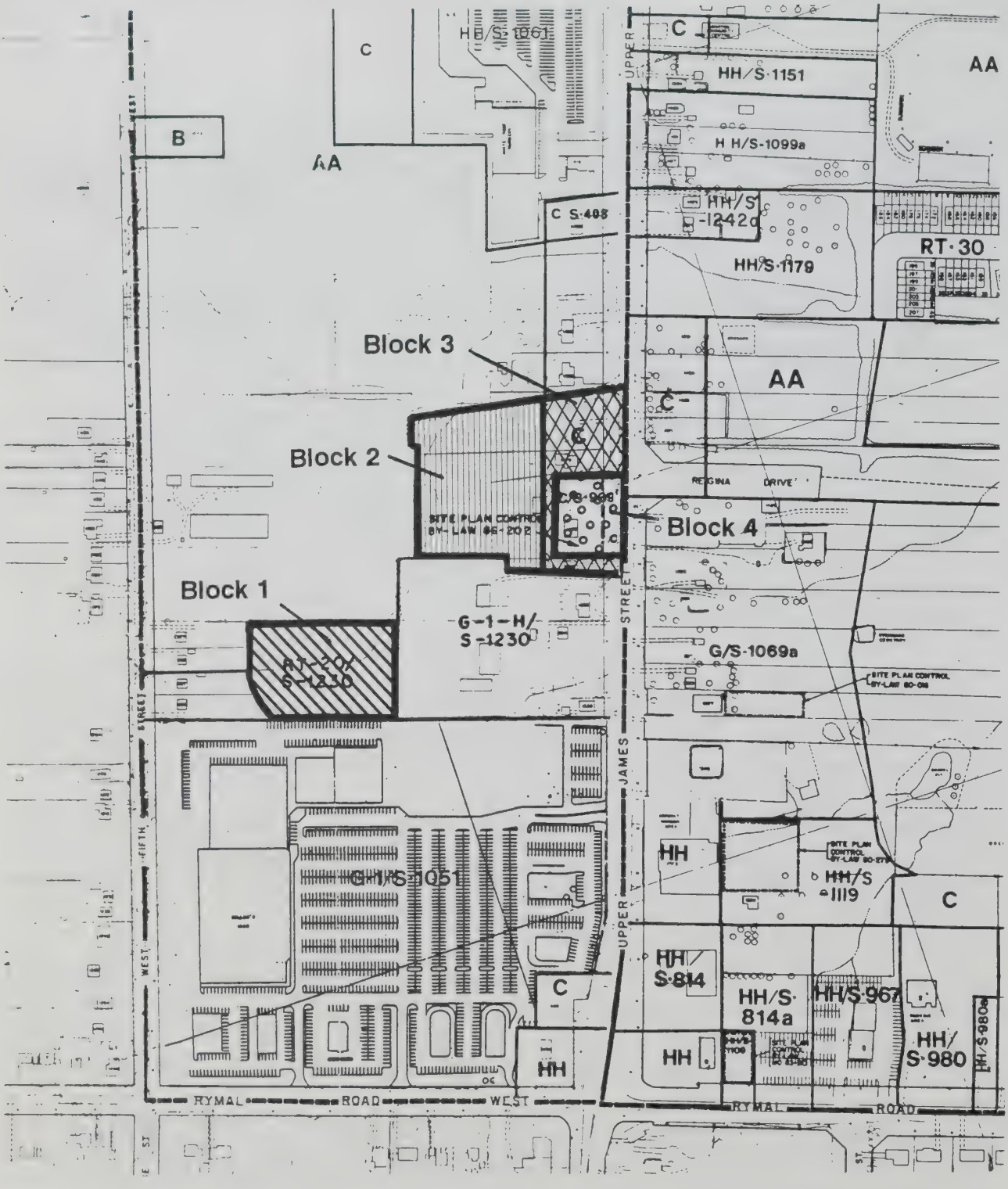
   Although, the proposed mid-block collector road west of Upper James Street will be eliminated by this proposal as shown on Appendix "B" , the above-mentioned special requirements and the pedestrian circulation and access directly to future residential areas west of the site, as shown on the preliminary site plan will implement the intent of the approved Neighbourhood Plan.

7. The "G-1" (Designed Shopping Centre) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law 87-223. Matters related to the "Urban Design Guidelines for Upper James Street Corridor" (i.e. Building locations, pedestrian access and circulation, road widenings, access, parking, loading, landscaping, grading, fencing, lighting, signs, etc. will be further reviewed at the site plan approval stage of development.

CONCLUSION

Based on the foregoing, the application can be supported.

JL:jl ZAC9708



Legend

Block 1

Change in zoning from:

From "RT-20"(Townhouse-Maisonette)District to "G-1" - 'H' (Designed Shopping Centre - Holding)District Modified.

Block 2

From "AA"(Agricultural)District to "G-1" - 'H' (Designed Shopping Centre - Holding)District Modified.

Block 3

From "C"(Urban Protected Residential, etc.)District to "G-1" - 'H' (Designed Shopping Centre - Holding)District Modified.

Block 4

From "C"(Urban Protected Residential, etc.)District Modified to "G-1" - 'H' (Designed Shopping Centre - Holding)District Modified.

NORTH

ZAC-97-08

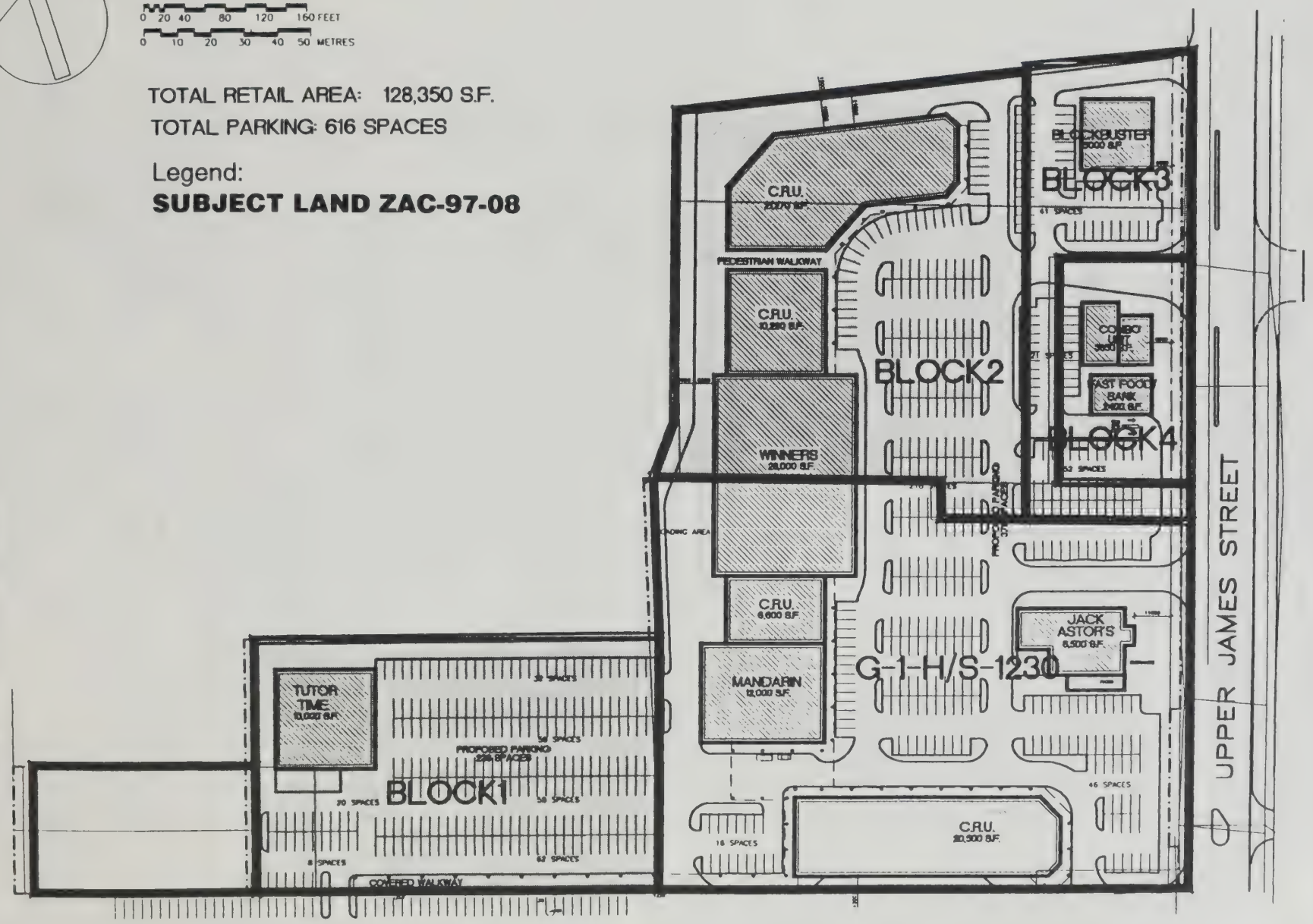
APPENDIX A

PRELIMINARY

0 20 40 80 120 160 FEET
0 10 20 30 40 50 METRES

TOTAL RETAIL AREA: 128,350 S.F.
TOTAL PARKING: 616 SPACES

Legend:
SUBJECT LAND ZAC-97-08



R.F. LINTACK ARCHITECT INCORPORATED
240 James Street South
Hamilton, Ontario
L8P 3A3
Tel (905) 522-6165
Fax (905) 522-2209

PROPOSED
SOUTH HAMILTON SQUARE
ROSART PROPERTIES INC.
HAMILTON, ONTARIO

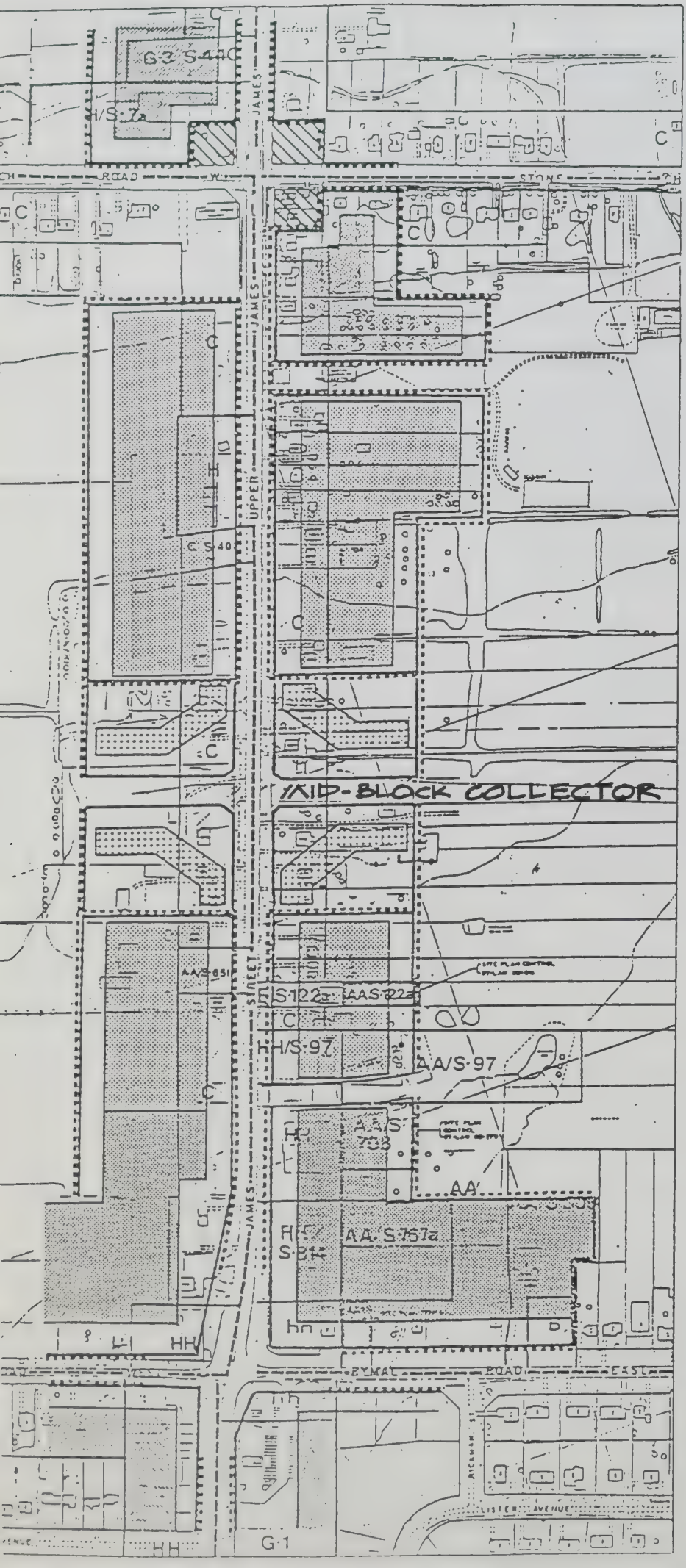
This drawing must not be scaled
General Contractor shall verify all dimensions, datums and levels prior to commencement of the work.
All errors and omissions are to be reported immediately to the Architect

No.	Revisions	Date

No.	Issue	Date

job no.	96 05
dwg. file	(B)SHSQ-2B4
dwn. by	F.M.M
scale	1:1200
date	MAY 1997
dwg. title	SITE PLAN
dwg.	A1 of 1

CONCESSION B



URBAN DESIGN PLAN
Upper James Street Corridor

LEGEND

- Commercial
- Commercial and Retail Warehouse
- Neighbourhood Commercial
- Landscaped Strip
- Open Space

Note: The proposed building envelopes for the commercial establishments are shown.

These will be surrounded by front and rear service roads/parking areas and landscaping.

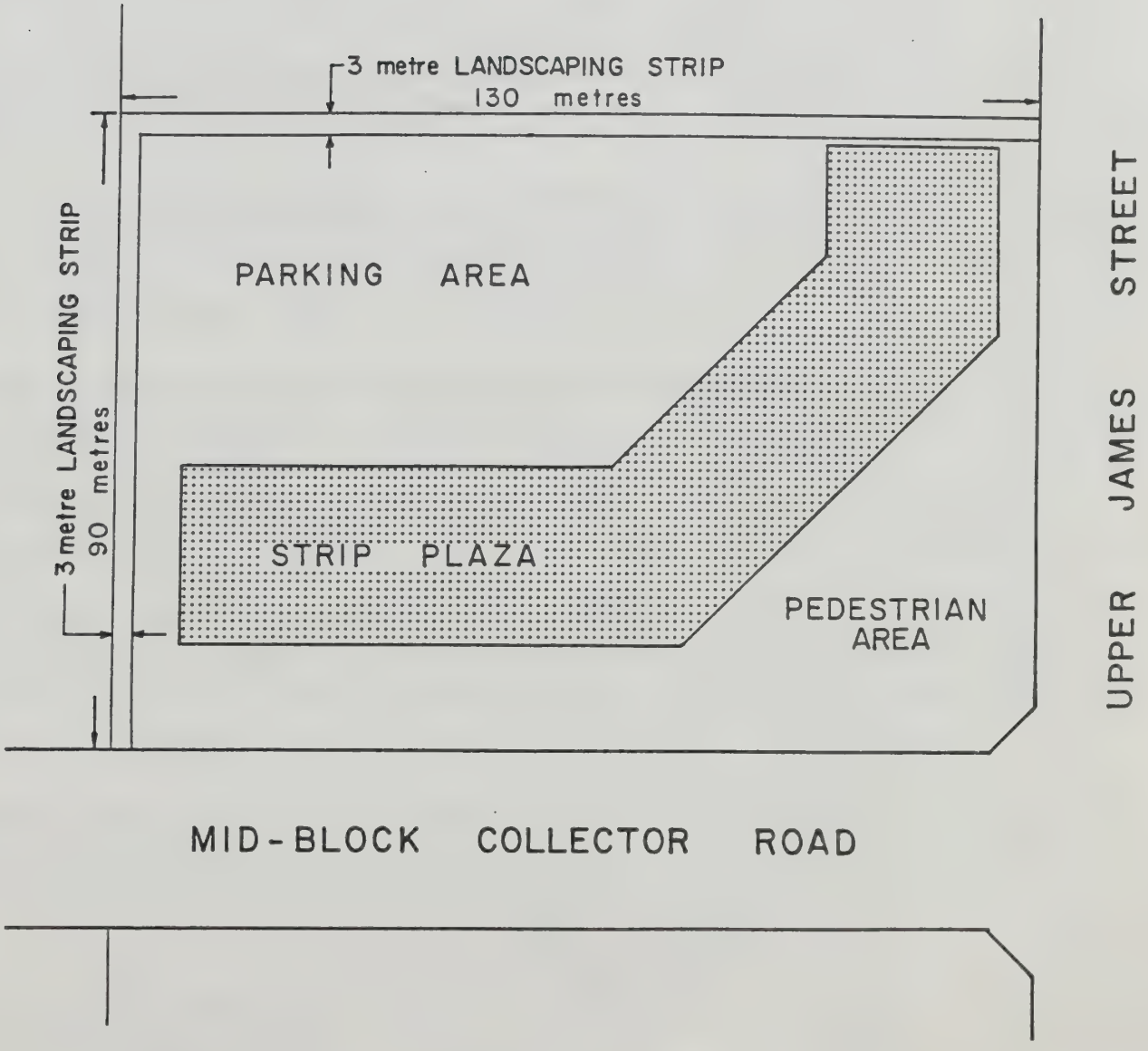
APPENDIX C

Planning and Development Department
Hamilton-Wentworth Region May 1986

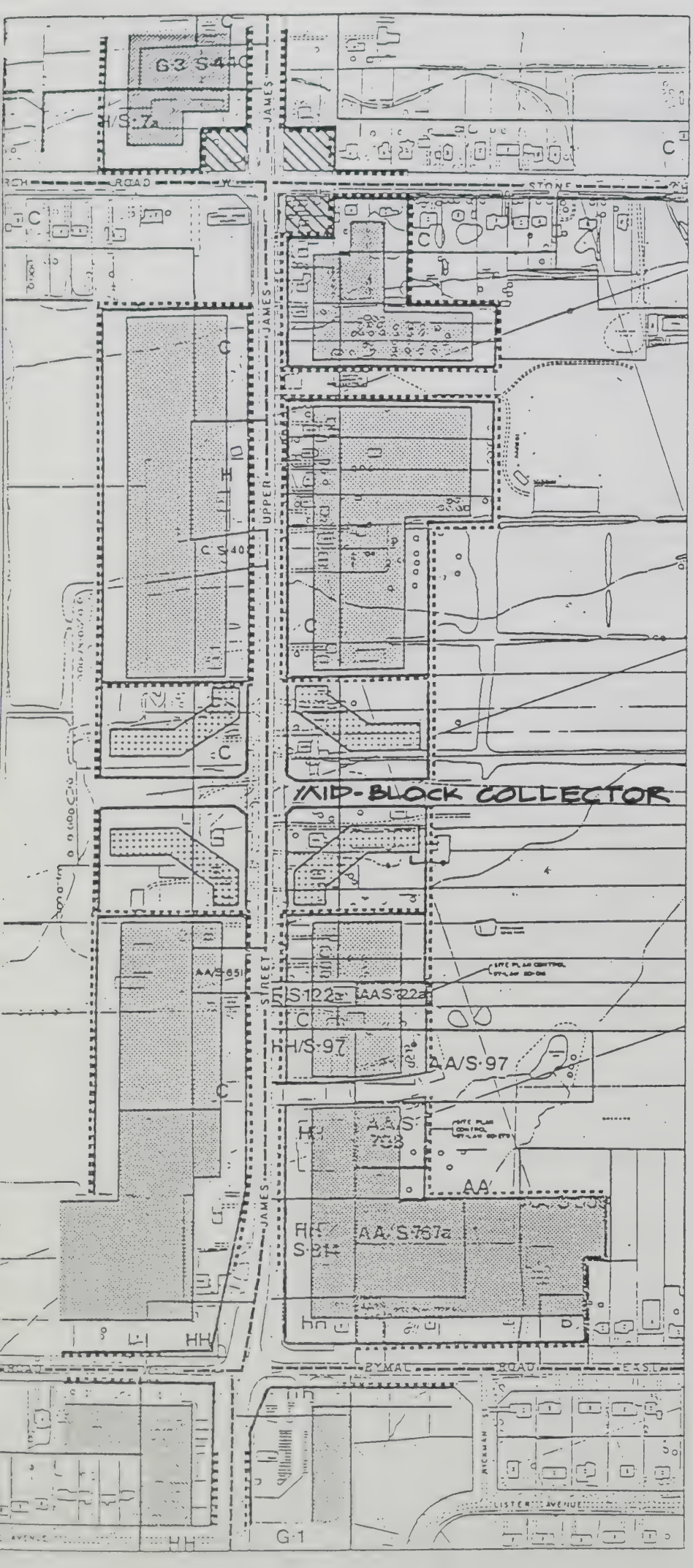
URBAN DESIGN GUIDELINES
FOR
UPPER JAMES STREET CORRIDOR

Example of Commercial Area Design for:

3) Neighbourhood Commercial



APPENDIX D



URBAN DESIGN PLAN
Upper James Street Corridor

LEGEND

- Commercial
- Commercial and Retail Warehouse
- Neighbourhood Commercial
- Landscaped Strip
- Open Space

Note: The proposed building envelopes for the commercial establishments are shown.

These will be surrounded by front and rear service roads/parking areas and landscaping.

APPENDIX C

Planning and Development Department
Hamilton-Wentworth Region May 1986

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Public Works Department on 1997 May 12 1A.

3a)

1428 Upper James Street
Hamilton, Ontario
L9B 1K3

May 8, 1997

Planning and Development Department,
City of Hamilton

MAY 12 1997

Re: Planning Department File # ZAC-97-08
Rezoning Application with Application for Amendment of the Official Plan

Dear Sirs:

I object to the proposed changes. I write this letter with great feelings of frustration and loss. Another notice of proposed changes in zoning has reached me and I feel compelled to respond - all the while sensing the futility of doing so.

Over the years I have watched the desecration of my neighbourhood despite any attempts on my part to halt changes I considered threatening to the community. While acres of property in downtown Hamilton sit unused, local government continues to allow destruction of land and vegetation.

Rosart properties have certainly made their mark on the south central mountain - smothering the ecological life with buildings and paving, tearing down at least one historically significant old home recently and sucking the commercial life from businesses further north. They have had their way with our neighbourhood - and I don't like what I see. Now they are back wanting even more. Such greed is matched only by that of short-sighted aldermen who sit on committees concerned more with tax revenues than with conserving the earth for future Hamiltonians.

Any reasonable plan for Hamilton would include an attractive entrance to the City from the south, and a green belt between the City and adjacent municipalities. Zoning and Official Plan changes for the properties at 1468 - 1514 Upper James and 1187 West 5th will contribute to the further erosion of what was once a wonderful community.

I despair - realizing that my comments are probably for naught - but my conscience forces me to take the time to defend this portion of the earth for which we should all be stewards. I request a copy of your decision and the decision regarding the proposed amendment to the Official Plan.

Sincerely,

Mary Lou Dickson

Mary Lou Dickson

cc. Alderman Don Ross
Alderman Frank D'Amico
City Clerk's Office

ROBERT J. MORRIS, P.ENG.
1452 UPPER JAMES ST.
HAMILTON, ONTARIO
CANADA L9B 1K3

36)

MAY 0 9 1997

May 15, 1997

Planning and Development Committee,
City of Hamilton,
City Hall,
71 Main St. West,
Hamilton, Ontario.
L8N 3T4

Attention: Committee Secretary

Reference: File No. ZAC-97-08

Dear Sir/Madam:

I request to be recorded as an objector to the zone changes and Official Plan amendment under your file # ZAC-97-08.

Initially my objection is that since I will be out of town on May 20 and 21st, 1997 I will not have access to the staff report or for personal input to the meeting.

I note that each public meeting for changes in this area are scheduled for the second day after a holiday weekend, and the staff report is only available to the public the morning after the holiday which only allows one day for study and research. This is after the application has been accepted by the planning department for 83 days.

I sincerely hope that this is all a coincident and not a planned schedule to muzzle the public.

By copy of this letter I request the City Clerk to provide me with a copy of the staff report on File ZAC-97-08 and to notify me if the Official Plan is amended and/or the zoning is changed.

Yours truly,

Robert J. Morris

RJM/lm

cc: City Clerk
The Spectator

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Public Works Department on 199 7 May 9. TA.

ROBERT J. MORRIS, P.ENG.
1452 UPPER JAMES ST.
HAMILTON, ONTARIO
CANADA L9B 1K3

OFFICE OF THE CITY CLERK
MAY 09 1997
REC. BY ... DATE ...
RE'D. TO ... DATE ...
REF'D. TO T.A. DATE ...
RE'D. TO ... DATE ...
NOTED F.Y.A.

May 15, 1997

Planning and Development Committee,
City of Hamilton,
City Hall,
71 Main St. West,
Hamilton, Ontario.
L8N 3T4

Attention: Committee Secretary

Reference: File No. ZAC-97-08

Dear Sir/Madam:

I request to be recorded as an objector to the zone changes and Official Plan amendment under your file # ZAC-97-08.

Initially my objection is that since I will be out of town on May 20 and 21st, 1997 I will not have access to the staff report or for personal input to the meeting.

I note that each public meeting for changes in this area are scheduled for the second day after a holiday weekend, and the staff report is only available to the public the morning after the holiday which only allows one day for study and research. This is after the application has been accepted by the planning department for 83 days.

I sincerely hope that this is all a coincident and not a planned schedule to muzzle the public.

By copy of this letter I request the City Clerk to provide me with a copy of the staff report on File ZAC-97-08 and to notify me if the Official Plan is amended and/or the zoning is changed.

Yours truly,

Robert J. Morris

RJM/lm

cc: City Clerk
The Spectator

OFFICE OF THE CITY CLERK
MAY 0 5 1997
REC BY.
REF'D TO
REF'D TO T.A.
REF'D TO
ACTION E.Y.P.

3c)

Robert C. Dickson Ph.D., M.D.

1428 Upper James Street
Hamilton, Ontario
L9B 1K3

May 3, 1997

~~City of~~ Hamilton,
Planning and Development Department

Re: Application for Rezoning Planning Department File # ZAC-97-08

Dear Sirs:

I wish to register my opposition to the proposed rezoning of the subject lands from "agricultural and residential" to "commercial/shopping plaza/strip mall". Planning and development adjacent to and on the "Upper James Corridor" has historically been "rubber-stamped" by the City, presumably to increase tax revenue or as a result of lobbying. The large number of meetings held, discussions, appeals and decisions all turn out in the favour of developers. The cost of these useless proceedings with foregone conclusions is appalling for taxpayers. The result of unrestrained development to date has been to render the area one of the most unsightly approaches to any city I have ever seen. Green space is continuously being eroded. Traffic congestion is already dangerously high. Noise, heat, pollution and inconvenience attend each additional development. My patients are finding it increasingly difficult and dangerous to access my office.

The application is not in accordance with the Official Plan. Why have we spent the time and energy on developing an Official Plan? You change it with every request. When development has been challenged in the past - and OMB decisions have agreed to development "with conditions" - you have not followed up to ensure conditions were met. A prime example is the Tim Horton complex on the NE corner of Upper James and Stone Church Road - a site across from Barton Stone Church, one of Hamilton's oldest landmarks. The OMB allowed that development provided that it be set back and have a landscaped strip to reduce its prominence in proximity to a beautiful old church. The "landscaped strip" was never adequate - consisting of three or four tiny trees which have long since died or been removed. It now is the location for realty and other signs - ugly and absolutely characteristic of the appearance of Upper James Street. It is difficult not to be angry with proposals such as the one under consideration. I hereby request a written copy of your decision and the decision regarding the Official Plan Amendment.

Sincerely,

Robert C. Dickson Ph.D., M.D., C.C.F.P.

cc. Alderman Terry Anderson (re. previous developments E of Upper James) 546-2704
Alderman Frank D'Amico 546-2712
City Clerk's Office, City of Hamilton (re. Official Plan Amendment)
Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Public Works Department on 1997 May 5 T.A.

4.

PRO - F.X.
MISSION STATEMENT

It is the goals of Pro - F.X. to provide a unique approach to fight the dire situation of the homeless & low income population.

Because of this unique approach to doing business, and with Government cooperation, we will be able to provide new sources of revenue for social programs. In addition Pro - F.X. will provide much needed support by way of opening a Crisis Intervention Office, which is specifically designed for counselling services to meet the needs of the clients we serve.

We will also provide a showroom facility so that the achievements of our clients may be shown in positive surroundings. Pro - F.X. will also be involved in concert promotions, camping trips, and contests for the whole population to get involved, which we feel will generate a new understanding of these individuals plight with poverty.

To accomplish these goals we will first break the WORLD RECORD for the WORLD'S TALLEST TWIN MURALS, and beside the murals will be space for corporations to advertise. Thus generating our own source of revenue, so we may all have opportunities to succeed in our endeavors.

D.L. Fisher Pro - F.X.

Dean Fisher, President

Savali Inc.

Mission Statement.

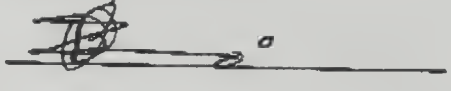
Savali Inc. is dedicated to providing world class murals, fine art, and professional photography. In addition to professional training in murals production programs.

Savali Inc. will also be holding fine art exhibitions across Canada, so that the public in general has the opportunity to view some of the most magnificent wild life in the world, from some of the most exotic places in the world. During these exhibitions we will have a variety of souvenirs and catalogs for the general pblic to purchase.

Savali Inc. in partnership with D.L.Fisher Pro F.X. will also hold seminars on Social Developement Programs and Marketing plans, so that these industries can prosper in even the smallest communities. While also promoting awareness to both the wildlife in danger of extinction, and the stigma on the people living in poverty, throughout the world.

A portion of the revenue generated through our exhibitions will go towards the creation of our own wildlife sanctuaries. So that these wonderful creatures may live in peace and be enjoyed by all of mankind, long into the future. Instead of becoming a distant memory.

Pres. Zephania Boro



V- Pres. Li Li



Ontario Realty Corporation / Société immobilière de l'Ontario

Office of the President & CEO
12th Floor, Ferguson Block
Queen's Park
Toronto ON M7A 1N3

Phone: (416) 327-3935
Fax: (416) 327-3942

June 18, 1996

Mr. Dean Fischer
205-280 Dundas Street East
Toronto ON M5A 3W1

Dear Mr. Fischer:

I am writing to confirm our meeting on June 11, 1996 where I informed you that due to the government's Agency Review of the Ontario Realty Corporation, all policy proposals under development are currently on hiatus. This would include advertising in and on government buildings.

As I told you, we are committed to developing a new policy on advertising as this is expected to generate additional revenues for the government. We expect to be in a position to tender the management of advertising contracts by the spring of 1997.

Thank you for your interest.

Sincerely,

Jim Cassimatis
Executive Assistant (A)

cc: J. Barretto
K. Bauman

Savali Inc.
Training Programs.

Duration : 6 months

Contents : colour mixing technics
wall prepping
equipment usage and installation
photo imaging technics
mural layout and production
designing and marketing
small business start up

Trainee requirements :
must be on Government Assistance
must show past interests in the arts
high school diploma
not afraid of heights

Notes : Trainees may be paid a modest income while training although we can not provide certification, we do offer professional on the job training, and endless opportunities for future developement. Once fully trained they can continue these services right in their own communities. Awards and burseries may be given out to top trainees, all trainees successfully completing the course will receive a copy of the course outline, with progress reports, and will receive a letter of reference to start them on their way, in their new career.

5.

CITY OF HAMILTON

- INFORMATION -

MAY 1 3 1997

DATE: 1997 May 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Fearman House, 90 Stinson St - Building Permit for Proposed Alterations and Additions (97.2.4.2.1.A)

BACKGROUND:

As directed by the Planning and Development Committee, at its meeting of 1997 May 7, for information regarding whether or not the intended use for the Fearman house meets the "D" District zoning requirements, please be advised that the Building Department has confirmed that the proposed conversion to a two-family dwelling is in accordance with the "D" District zoning.

On 1997 March 27, the project Architect, Greg Sather from McCallum Sather Architects Inc., made a building permit application to convert an existing building to a two family dwelling (i.e. a building comprising two self-contained Class A dwelling units). The scope of work proposed includes a two and half storey addition to the south, a one storey addition to the east and interior renovations to the existing building.

The property is designated under the Ontario Heritage Act (By-Law No. 93-124). In accordance with the act, any changes to the designated facades, require City Council approval through the Heritage Permit process. City Council at its meeting held 1997 March 25, stated that a Heritage Permit be approved for the exterior alterations/additions to the building at 90 Stinson Street.

With respect to the use of the building, Good Shepherd Non-Profit Homes Inc has confirmed to the Department that the building will be used exclusively as a two-family dwelling. Support services will be provided to tenants in the building, however, the services provided will be no different than services provided to anyone residing in a single family dwelling, townhouse, or apartment.

.../2

With respect to zoning by-law requirements, the following are definitions of uses which describe the proposed use:

> "**Dwelling, Two Family**" shall mean a building comprising of two self-contained Class A dwelling units, whether or not a private garage or other accessory building is attached to the same, and which may also contain such lodgers' rooms as may be permitted under the provisions of this By-law in the district in which it is situate, and shall include a pair of semi-detached single family dwellings.
>
> "**Dwelling Unit**" shall mean a Class A dwelling unit or a housekeeping dwelling unit, and shall include a single family dwelling or any other separate living quarters for one family within a building, whether detached, semi-detached or attached; but shall not include a tent, or a cabin or trailer in a tourist camp or trailer camp, or a room or suite in an apartment hotel, tourist homes, lodging house or other such premises;

The use of the building as a residential care facility has also been reviewed by the Department. The zoning by-law's definition is as follows:

> "**Residential Care Facility**" means a fully detached residential building occupied wholly by a maximum number of supervised residents as permitted by a district, exclusive of staff, residing on the premises as a group because of social, emotional, mental or physical handicap or personal distress for the purpose of achieving well-being through either one or more programs of self-help, professional care, guidance, supervision not otherwise beneficially available within the resident's own family or if the resident were residing on the premises where,
>
> (a) the residents are referred to the facility by a hospital, court or government agency; or
>
> (b) the facility received all or part of its non-capital funds from a government; or
>
> (c) the facility is regulated by or supervised under any Federal or Provincial statute or a Municipal by-law,

The facility, as proposed, does not provide supervision and staff as contained in the definition.

In accordance with the Building Code Act, the Building Department issued a Building Permit on 1997 May 9 for the exterior alterations and additions to the existing building.

LCK/PGL/dt
Encls.

Approved Mar. 19, 1997 by P+D

D.

CITY OF HAMILTON

- RECOMMENDATION -

MAR 1 1 19

DATE: 1997 March 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Fearman House, 90 Stinson Street - Heritage Permit for Proposed Alterations/Additions

RECOMMENDATION:

That a Heritage Permit be approved for the following exterior alterations/additions to the building at 90 Stinson Street (designated under the Ontario Heritage Act), as shown on the drawings (north, east and west elevations) dated 1997 March 3 attached hereto and marked as Appendix "A":

NORTH FACADE (as shown on the attached north elevation)

- replacement of single-pane glazing of all original wood windows with thermopane glazing (preferred option) or replacement of existing wood windows with wood-framed thermopane units, to replicate appearance of original windows; and,
- replacement of single-pane glazing in the original double wood entrance doors with thermopane glazing; and,
- one-storey addition extending along east facade and set back from front facade; north facade of addition comprises a stuccoed base with a band of three aluminum windows modelled on the two-over-two wood sash window on the north facade of the one-storey stone addition on the west side of the building; and,
- concrete ramp with steel handrail to doorway on west side of tower.

EAST FACADE (as shown on the attached east elevation)

- one-storey addition extending across full facade of existing building and the rear addition; wall treatment identical to north facade, except for set of double doors; and,

- some wood windows to be reglazed or replaced (as described for north facade); others to be replaced with aluminum thermopane sash windows; and,
- three new gabled dormers with aluminum windows (two on roof of existing rear wing and one on roof of new rear extension); and,
- rear addition (extension of existing rear wing) with a large multi-paned aluminum window on the second storey; and,
- new double entrance doors on east wall of tower to replicate existing glazed wood doors on the south and west facades (originally three identical doorways).

WEST FACADE (as shown on the attached west elevation)

- most windows to be treated in a similar manner to those on east facade; one second and one third storey window to be blocked up by means of permanently closed wood shutters; one window opening on the first floor to be filled in with stone masonry to match existing wall; and,
- two new entrances to be built on either side of the masonry-filled window opening, one with a canopy for the new elevator; and,
- replacement of single-pane glazing in the original double wood entrance doors of the tower with thermopane glazing; and,
- rear addition with two new windows, one dormer, one doorway and stuccoed exterior; and,
- reconfiguration of roofline of section of rear wing to accommodate top of elevator shaft.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

In accordance with the provisions of the Ontario Heritage Act, any changes to the designated facades (north, east and west), require Council approval through the Heritage Permit process. This includes alterations to the existing building as well as any new additions.

BACKGROUND:

The historic stone mansion at 90 Stinson Street, built for Frederick Fearman in 1863 and later enlarged, was last owned by the Roman Catholic Diocese and for many years served as offices for their social service agencies. When these agencies were moved to another location in 1993, it was left standing vacant and faced the possible threat of demolition. That year, however, the property gained some measure of protection by being designated under the Ontario Heritage Act (By-law No. 93-124). It was recently acquired by the Good Shepherd Non-Profit Homes Inc. for conversion to residential use. The Building Department has confirmed that, in accordance with the "D" District zoning, it will be c

converted to a two family dwelling (i.e. a building comprising two self-contained Class A dwelling units).

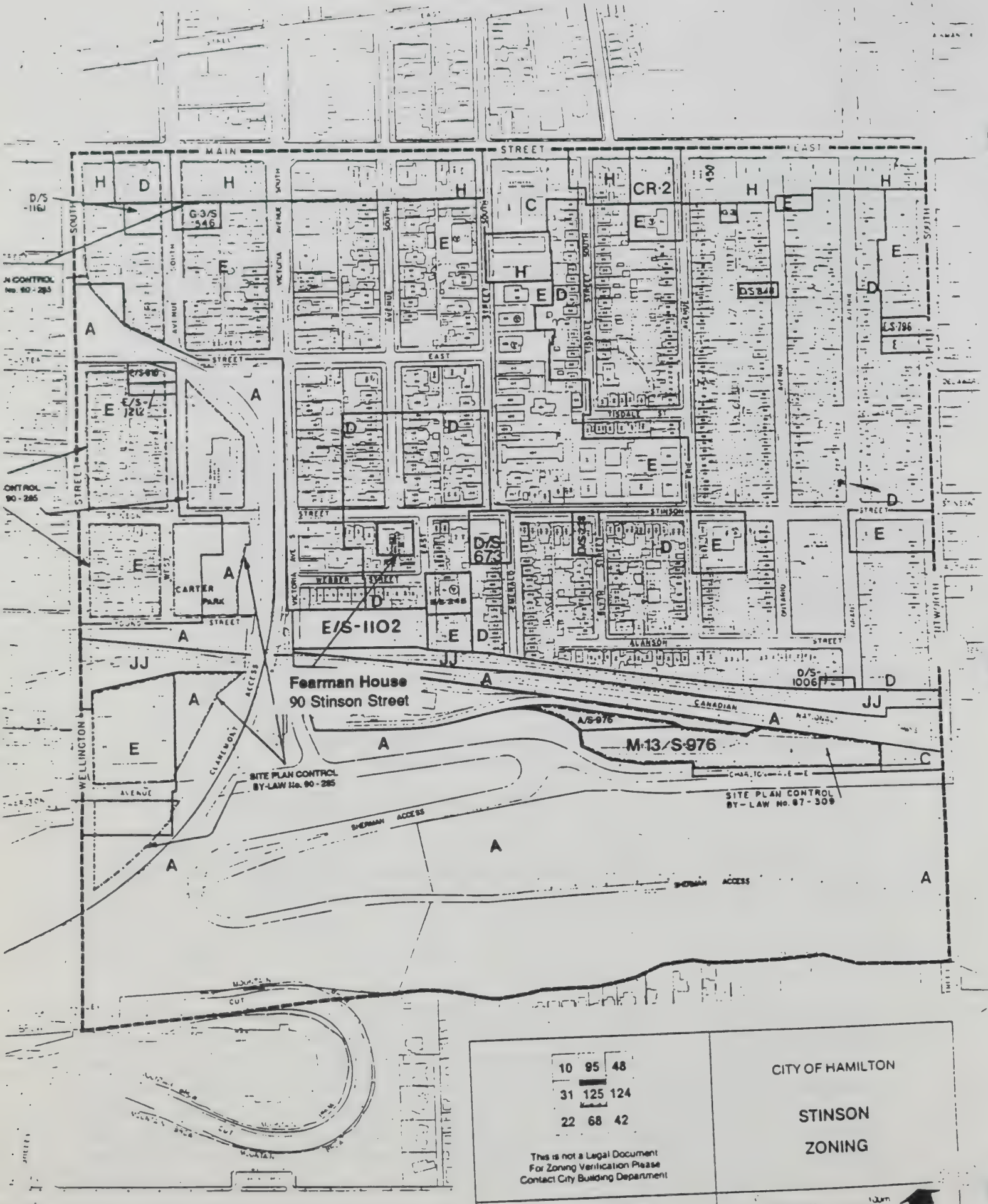
The project architects, Greg Sather and Paul Dowling from McCallum Sather Architects Inc. explained the proposed conversion to LACAC's Research Sub-committee at its meeting held 1997 February 27. This scaled-down version of an earlier proposal can be largely accommodated within the existing building. A 20% increase in floor area has been achieved by extending the existing rear wing and by a one-storey addition on the east side. The visual impact of the one-storey addition facing East Avenue has been minimized by designing it to look like an enclosed verandah with continuous fenestration.

The Research Sub-committee requested that any original wood windows being replaced not be discarded and, if possible, stored on site. The architects agreed to look into this request and also agreed to donate a set of photographs documenting the condition and appearance of the building before any construction work is begun.

The Local Architectural Conservation Advisory Committee approved the above-noted recommendation at its meeting held 1997 March 10.

attached

cc Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department



10 95 48 31 125 124 22 68 42 This is not a Legal Document For Zoning Verification Please Contact City Building Department	CITY OF HAMILTON STINSON ZONING
Neighbourhood Boundary Zoning Boundary	SCALE 0 50m 100m
Prepared for The City of Hamilton by the Planning and Development Department	6601 125

APPENDIX 'A'



NORTH ELEVATION

McCallum Sather Architects Inc.

1/8" = 1'-0"

March 3, 1997

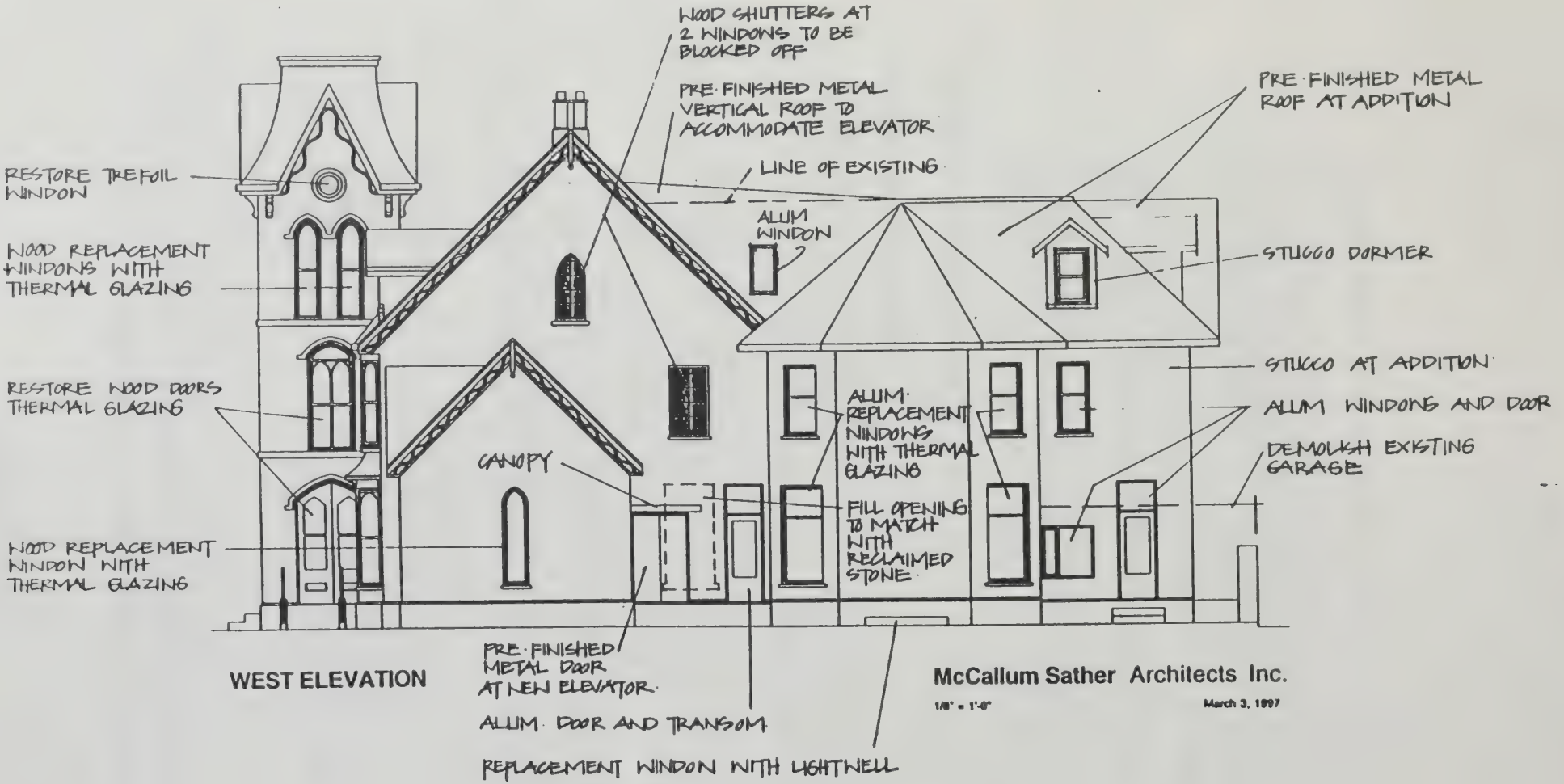


EAST ELEVATION

McCallum Sather Architects Inc.

1/8" = 1'-0"

March 3, 1997



WEST ELEVATION

McCallum Sather Architects Inc.

1/8" = 1'-0"

March 3, 1997

City Council
Approved
1997/3/25

5. That Schedule "B" of By-law No. 97-012, appointing the Barton General B.I.A.'s Board of Management be repealed and the following names substituted:

SCHEDULE "B"

K. Cody	Codys Home Decor Inc.
M. Tollis	The Riviera Banquet Centre
J. Hilger	Ways to Wisdom
K. Jokic	Bank of Montreal
D. Tranor	Dell Pharmacy
N. LaSala	Nick's Auto Service

6. (a) That the Planning and Development Department staff be authorized to hold a public meeting to consider a proposed street name change from Dulgaren Street to Dalia Avenue for that portion of Dulgaren Street located between Upper Sherman Avenue and the future extension of Eaglewood Drive, as shown on the attached map marked as Appendix "C"; and,

(b) That the City Clerk be directed to give notice of a Public Meeting regarding the proposed name change.

7. That a Heritage Permit be approved for the following exterior alterations/additions to the building at 90 Stinson Street (designated under the Ontario Heritage Act), as shown on the drawings (north, east and west elevations) dated 1997 March 3 attached hereto and marked as Appendix "D":

NORTH FACADE (as shown on the attached north elevation)

- replacement of single-pane glazing of all original wood windows with thermopane glazing (preferred option) or replacement of existing wood windows with wood-framed thermopane units, to replicate appearance of original windows; and,
- replacement of single-pane glazing in the original double wood entrance doors with thermopane glazing; and,
- one-storey addition extending along east facade and set back from front facade; north facade of addition comprises a stuccoed base with a band of three aluminum windows modelled on the two-over-two wood sash window on the north facade of the one-storey stone addition on the west side of the building; and,
- concrete ramp with steel handrail to doorway on west side of tower.

EAST FACADE (as shown on the attached east elevation)

- one-storey addition extending across full facade of existing building and the rear addition; wall treatment identical to north facade, except for set of double doors; and,

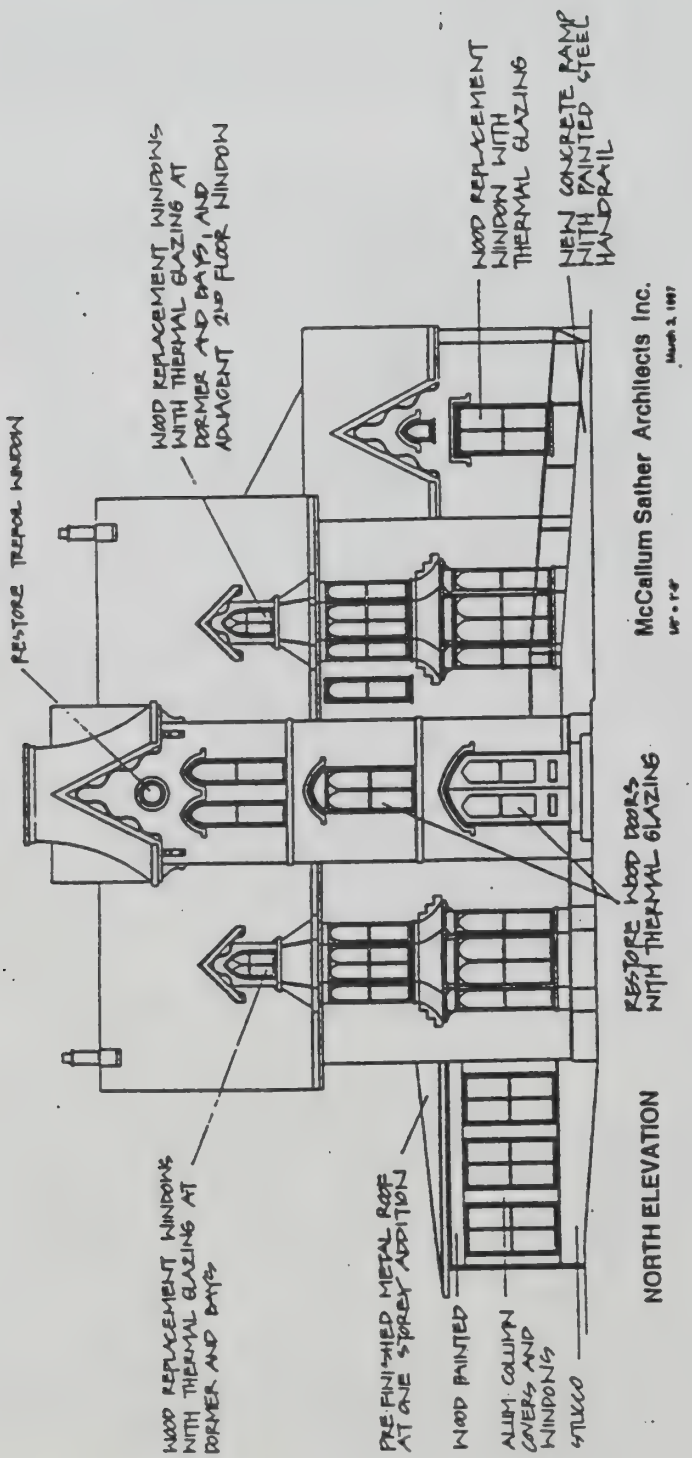
- some wood windows to be reglazed or replaced (as described for north facade); others to be replaced with aluminum thermopane sash windows; and,
- three new gabled dormers with aluminum windows (two on roof of existing rear wing and one on roof of new rear extension); and,
- rear addition (extension of existing rear wing) with a large multi-paned aluminum window on the second storey; and,
- new double entrance doors on east wall of tower to replicate existing glazed wood doors on the south and west facades (originally three identical doorways).

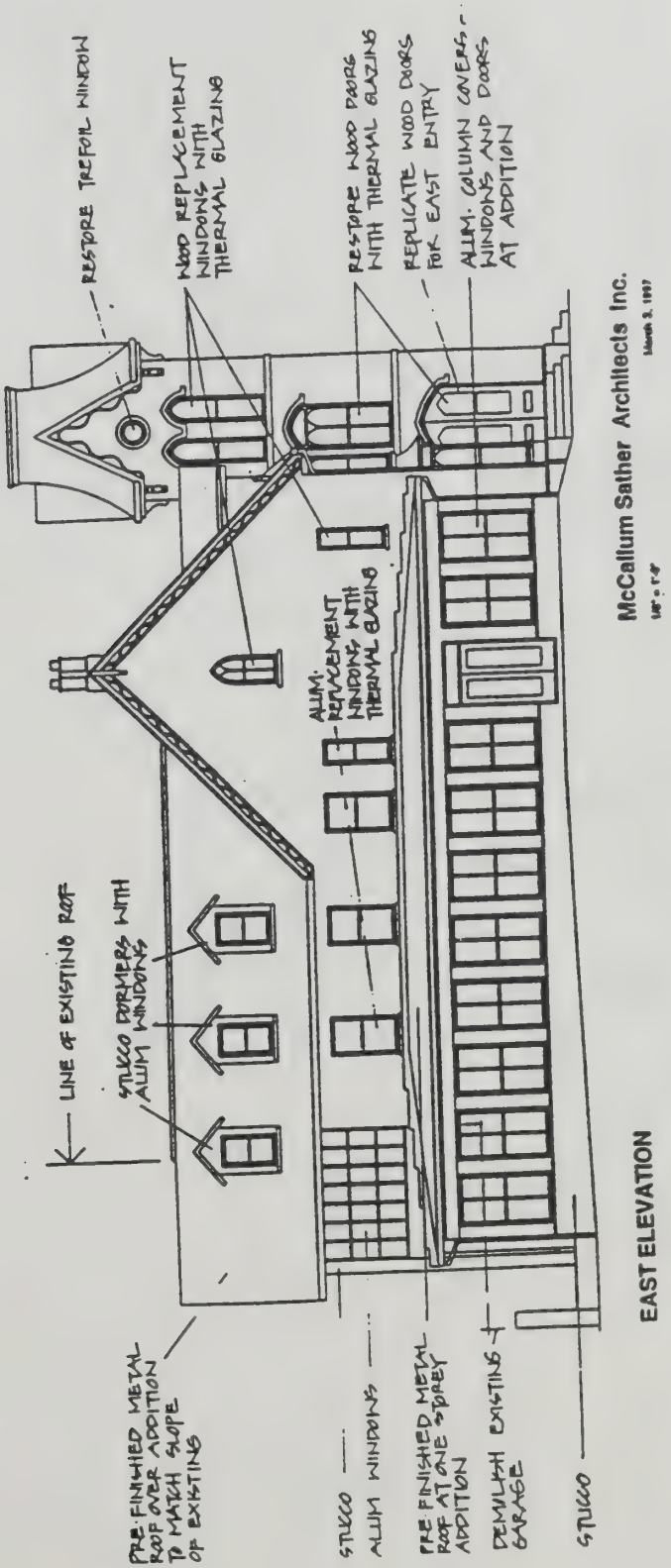
WEST FACADE (as shown on the attached west elevation)

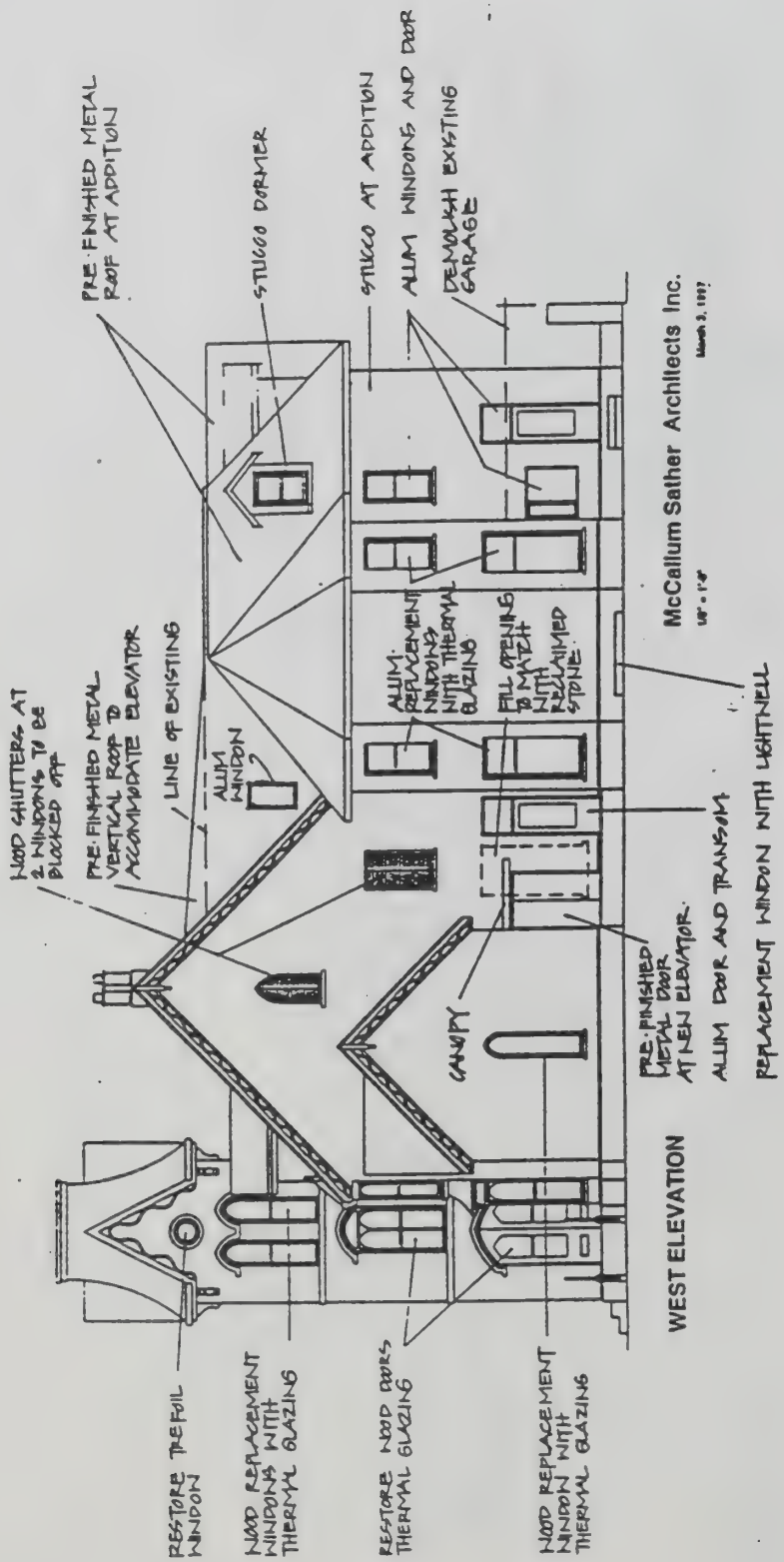
- most windows to be treated in a similar manner to those on east facade; one second and one third storey window to be blocked up by means of permanently closed wood shutters; one window opening on the first floor to be filled in with stone masonry to match existing wall; and,
- two new entrances to be built on either side of the masonry-filled window opening, one with a canopy for the new elevator; and,
- replacement of single-pane glazing in the original double wood entrance doors of the tower with thermopane glazing; and,
- rear addition with two new windows, one dormer, one doorway and stuccoed exterior; and,
- reconfiguration of roofline of section of rear wing to accommodate top of elevator shaft.

8. (a) That a secured loan in the amount of twenty-five thousand dollars ($25,000) to Andrew Trencs, for improvements to 274 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars ($12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.


RESTORE TREPOL WINDOW
WOOD REPLACEMENT WINDOWS WITH THERMAL GLAZING AT DORMER AND BAYS, AND ADJACENT 2ND FLOOR WINDOW
WOOD REPLACEMENT WINDOW WITH THERMAL GLAZING
NEW CONCRETE RAMP WITH PAINTED STEEL HANDRAIL
McCallum Sather Architects Inc.
RESTORE WOOD DOORS WITH THERMAL GLAZING
NORTH ELEVATION
WOOD REPLACEMENT WINDOWS WITH THERMAL GLAZING AT DORMER AND BAYS
PRE-FINISHED METAL ROOF AT ONE STOREY ADDITION
WOOD PAINTED
ALUM. COLUMN COVERS AND WINDOWS
STUCCO


RESTORE TREFOIL WINDOW
WOOD REPLACEMENT WINDOWS WITH THERMAL GLAZING
RESTORE WOOD DOORS WITH THERMAL GLAZING
REPLICATE WOOD DOORS FOR EAST ENTRY
ALUM. COLUMN COVERS - WINDOWS AND DOORS AT ADDITION
ALUM. REPLACEMENT WINDOWS WITH THERMAL GLAZING
LINE OF EXISTING ROOF
STUCCO PORTALS WITH ALUM WINDOWS
PRE-FINISHED METAL ROOF OVER ADDITION TO MATCH SLOPE OF EXISTING
STUCCO
ALUM WINDOWS
PRE-FINISHED METAL ROOF AT ONE STORY ADDITION
DEMOLISH EXISTING GARAGE
STUCCO
McCallum Sather Architects Inc.
EAST ELEVATION


WEST ELEVATION
McCallum Sather Architects Inc.
PRE-FINISHED METAL ROOF AT ADDITION
STUCCO DORMER
STUCCO AT ADDITION
ALUM WINDOWS AND DOOR
DEMOLISH EXISTING GARAGE
WOOD SHUTTERS AT 2 WINDOWS TO BE BLOCKED OFF
PRE-FINISHED METAL VERTICAL ROOF TO ACCOMMODATE ELEVATOR
LINE OF EXISTING
ALUM WINDOW
ALUM. REPLACEMENT WINDOWS WITH THERMAL GLAZING
FILL OPENING TO MATCH WITH RECLAIMED STONE
CANOPY
PRE-FINISHED METAL DOOR AT NEW ELEVATOR
ALUM DOOR AND TRANSOM
REPLACEMENT WINDOW WITH LIGHTWELL
RESTORE TREFOIL WINDOW
WOOD REPLACEMENT WINDOWS WITH THERMAL GLAZING
RESTORE WOOD DOORS THERMAL GLAZING
WOOD REPLACEMENT WINDOW WITH THERMAL GLAZING

6.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1997 May 21
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1997 May 7

B. BUILDING COMMISSIONER

(a) 359 Barton St E - Commercial Improvement Loan Program

(b) 360-362 Barton St E - Commercial Property Improvement Loan Program

(c) 184 Kensington Ave N - Demolition under The Planning Act

C. DIRECTOR OF PLANNING AND DEVELOPMENT

Proposed Draft Plan of Condominium by Benemar Construction "Cranberry Village" - 100 Vineberg Drive and 1889 Upper Wentworth Street

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information reports.

Wednesday, 1997 May 7
9:30 o'clock a.m.
Room 233, City Hall

A.

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Alderman G. Copps
Alderman Wm. McCulloch
Alderman F. Eisenberger
Alderman M. Caplan
Alderman B. Charters
Alderman H. Merling

Regrets: Mayor R.M. Morrow, Civic Business

Also present: Victor Abraham, Director, Planning and Development Dept.
Bill Janssen, Planning and Development Department
Joanne Hickey-Evans, Planning and Development Department
Mary Lou Tanner, Planning and Development Department
Caroline Floroff, Planning and Development Department
Patrice Noé Johnson, City Solicitor
Roland Karl, Public Works and Traffic Department
Eugene Chajka, Regional Environment Department
Willy Wong, Building Department
John Spolnik, Building Department
Tina Agnello, Secretary

1. **Zoning Application 97-10, by Frank Mulas Construction Ltd., DiCenzo Construction and Sunshine Construction Inc., Owners, for Lands Located West of Omni Boulevard, South of Upper Horning Road and North of Stone Church Road West.**

Joanne Hickey-Evans advised that there is an application before the Committee to develop the lands for 11 single-family dwellings. The plans will allow for continuous gradation. The lands are designated attached and will be designated to single-family in the Neighbourhood Plan. The proposed development is compatible with the existing development and therefore the Planning Department recommends approval.

Of 77 notices circulated, 10 replied in favour and two opposed.

Al Fletcher, of A.J. Clarke and Associates, was present on behalf of the applicant.

Palmo Stumpo of 774 Upper Horning Road was present. He stated that the area is mature with vegetation and would like some of the trees to be maintained on the property. He supports the proposal but would like to see consideration of the trees being kept.

Alderman D'Amico said there had been a lot of input into this plan and there have been several public meetings and that he supports the application. He commended Alderman Merling as a mediator between Messrs. Mulas and DiCenzo. He questioned whether the trees could be kept.

Joanne Hickey-Evans advised that the Tree By-law is not effective on private property and the Conservation Authority has stated that they have no concerns.

Alderman Merling stated that at the Committee of Adjustment meeting, Mr. Mulas, who will be occupying 1/4 acre property, stated he would like to keep the trees on his property but that the same cannot be said for other properties.

As recommended in a report dated 1997 April from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

That approval be given to amended Zoning Application ZAC-97-10, Frank Mulas Construction Ltd., DiCenzo Construction and Sunshine Construction Inc., owners, requesting changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc) District (Blocks "1" and "2") and from "D" (Urban Protected Residential - One and Two Family Dwellings, etc) District to "C" (Urban Protected Residential, etc) District (Blocks "3" and "4") for property located west of Omni Boulevard, south of Upper Horning Road and north of Stone Church Road West as shown on the attached map marked as Appendix "A" on the following basis:

(a) That Blocks "1" and "2" be rezoned from (Agricultural) District to "C" (Urban Protected Residential, etc) District; and,

(b) That Blocks "3" and "4" be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings, etc) District to "C" (Urban Protected Residential, etc) District; and,

(c) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands shown as Blocks "2" and "4", be modified to include the following variance, as a special requirement:

    (i) Notwithstanding Section 9.(3)(i) of Zoning By-law No. 6593, the minimum front yard shall be provided and maintained in accordance with the attached Schedule "B"; and,

(d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - 1380, and that the subject lands on Zoning District Map W-9B be notated S - 1380; and,

(e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37C for presentation to City Council; and,

(f) That upon finalization of the zoning by-law the approved Gurnett Neighbourhood Plan be amended to redesignate the subject lands from "Attached Housing" to "Single and Double Residential"; and,

(g) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

2. ALDERMAN WM. McCULLOCH - Delegation

Fearman House - Stinson Street

A submission was distributed from Brenda Mitchell, Vice-President of the Stinson Neighbourhood Association and a resident of 38 Allison Street.

Alderman McCulloch stated that the Stinson Neighbourhood Association has met with the Aldermen, staff and the other party. Everyone wants to save the building, however the intended use has being greatly changed from that which was originally proposed.

Ms. Mitchell stated that the Community Association was founded in 1991. The Fearman House is on their logo. At one time there was an application for demolition at which time the Stinson Neighbourhood Association supported keeping the building. They were approached by someone who advised them that the building would be used as an AIDS hospice.

She explained that the area is presently saturated with residential care facilities and should not have any more. This intended use will have a high need, intensive support and much medical care, therefore this will not be a two-family home. It will be used for frail, elderly, physically disabled and those living with AIDS. The plans are also significantly different than those first reviewed by the Association. She stated, in conclusion, that they wanted to save the building but they also want to work together for a healthy, safe community.

Brother Richard and Peter Tice, solicitor for the Good Shepherd Non-Profit Centre were present. Brother Richard advised that the non-profit housing allocation has been given for this building, and with Provincial cuts many housing allocations have been cut. They have also been told that they will receive access for support services but that the residents will direct their own care and therefore make their own meals and do their own laundry. If they require assistance the will get it, but this building is not a hospice. He stated that the residents will be tenants of the Good Shepherd Centre.

Peter Tice stated that over the last 10 years initiatives have been developed to take people out of institutions and allow them to live as independently as possible. He stated that this is independent support of living not institutional care. This facility will not be regulated by Federal or Provincial statute and the operating agreement will be with the Ministry of Housing. He stressed that the residents are not supervised but they are people who need support in lifestyle issues, therefore this is a residential dwelling not a residential care facility.

Brother Richard added that the Ministry of Housing is putting $1 million in the building and have also allotted funds for services.

Alderman McCulloch stated that the issue is one of use. The Neighbourhood Association say it is a residential care facility while the Good Shepherd Hostel people claim that it is a residence.

Willy Wong, of the Building Department, advised that the Building Department is looking at a new definition of Second Level Lodging House.

Brother Richard advised that the Good Shepherd Centre has already received zoning verification from the Building Department and are ready to tender for the work to be commenced.

Following brief discussion, the Committee resolved to refer to the Building Department staff the issue to determine whether or not the intended use meets with the "D" zoning and also to determine if there are any proactive suggestions and that this report come back to Committee in a period of two weeks.

3. DIRECTOR OF PLANNING AND DEVELOPMENT

(a) **Rental Housing Protection Act Application CD-96-004, 222 Gage Avenue South. (Previously Tabled)**

The Committee was in receipt of a report from the Director of Planning and Development dated 1997 April 29.

The Committee was also in receipt of correspondence from Manfred Rudolph of Turkstra, Mazza, Shinehoft, Mihailovich Associates, Solicitors, on behalf of Vedemo Construction requesting that the matter be tabled indefinitely.

The Committee resolved that the application be tabled for a period of six months.

(b) **Authorization for Staff Attendance at an Ontario Municipal Board Hearing - Severance of the Canadian National Railway Lands, North of Barton Street West, East of Crooks Street**

As recommended in a report dated 1997 April 29, from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

(i) That the appropriate staff (eg. Law, Planning and Development Departments) be authorized to attend the Ontario Municipal Board Hearing respecting the severance of the Canadian National Railway lands, north of Barton Street West, between Crooks Street and Queen Street North, as shown on the attached map marked as Appendix "B" and inform the Board that the City consents to the amendment of condition 2. so that it reads:

"Rezoning the subject lands from "K" (Heavy Industry, etc) District to "L-mr-1" (Planned Development-Residential) District."; and

(ii) That the City be authorized to request an adjournment of the hearing until Zoning Application 97-15 has been finalized; and,

(iii) That the City be authorized to defend the decision of the Committee of Adjustment as amended by item (a) above, in the event that an adjournment is not granted by the Ontario Municipal Board.

4. BUILDING COMMISSIONER

293 Tragina Avenue North - Demolition

As recommended in a report dated 1997 April 28 from the Building Commissioner, the Committee recommended to Council as follows:

(a) That the Building Commissioner be authorized to call tenders and subsequently proceed to have the building located at 293 Tragina Avenue North demolished to bring the subject property into compliance with City of Hamilton Property Standards By-Law 94-185 and as authorized under The Planning Act, 1990 Subsection 20, Section 31 and specifically to do the work required to comply with the Final and Binding Order; and,

(b) That the costs incurred for demolition, levelling, and clearing of lands together with administrative costs be added to the tax roll; and,

(c) That the Building Commissioner be authorized to issue a demolition permit for 293 Tragina Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended; and,

(d) That the attached By-law marked as Appendix "C" to authorize the demolition of all buildings and structures and the clearing of the lands be enacted by Council.

5. CONSENT AGENDA

A. ADOPTION OF MINUTES

The minutes of the meeting held 1997 April 23 were adopted as circulated.

THE FOLLOWING RECOMMENDATIONS WERE FORWARDED TO COUNCIL FOR APPROVAL:

B. BUILDING COMMISSIONER

(a) Demolition for 170 Simcoe Street, dated 1997 April 18:

That the Building Commissioner be authorized to issue a demolition permit for 170 Simcoe Street East once the owner obtains a building permit to replace the building to be demolished.

(b) Demolition for 172 Simcoe Street East, dated 1997 April 18:

That the Building Commissioner be authorized to issue a demolition permit for 172 Simcoe Street East once the owner obtains a building permit to replace the building to be demolished.

(c) Barton Street Revitalization, dated 1997 April 24:

(i) That the remainder of the 1996 Festival Allocation be approved toward the purchase of Street Banners as part of the Festival component of the Barton Street Revitalization Program; and,

(ii) That the City Treasurer be authorized and directed to forward $12,743.34 to the Barton Street B.I.A.

(d) **340 Barton Street East - Commercial Property Improvement Loan Program, dated 1997 April 24:**

(i) (1) That a secured loan in the amount of twenty-five thousand dollars ($25,000) to 1160584 Ontario Inc., for improvements to 340 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(2) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars ($12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

(ii) (1) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars ($5,000) to 1160584 Ontario Inc., for improvements to 340 Barton Street East be approved, subject to fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(2) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars ($2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

(e) **948 King Street West - Commercial Property Improvement Loan Program, dated 1997 April 29:**

That a Commercial Property Improvement Loan in the amount of fifteen thousand dollars ($15,000) to Jacqueline Simpson for improvements to 948 King Street West be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate will be 2 3/8 per cent amortized over ten years.

(f) **950 King Street West - Commercial Property Improvement Loan Program, dated 1997 April 29:**

That a Commercial Property Improvement Loan in the amount of fifteen thousand dollars ($15,000) to Dromore Company Limited for improvements to 950 King Street West be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate will be 2 3/8 per cent amortized over ten years.

(g) **344 East 37th Street - Hamilton Emergency Loan Program, dated 1997 April 24:**

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, seven hundred and sixty-four dollars ($1,764) be approved for Joyce Smale, 344 East 37th Street, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

(h) **1997 Annual Conference of the Association of Committees of Adjustment, dated 1997 April 25:**

That the Chairman of the Committee of Adjustment or his nominee and another member of the Committee of Adjustment be authorized to attend the 1997 Annual Conference of the Ontario Association of Committees of Adjustment and Consent Authorities to be held for four days, 1997 June 1 - 4 in Thunder Bay Ontario at an expense not to exceed $1,200 each to be charged to account CH55201-10010, Legislative Travelling.

C. **DIRECTOR OF PLANNING AND DEVELOPMENT**

(a) **Request for a Waiver from an Environmental Impact Statement - 206 Dumbarton Avenue, dated 1997 April 29:**

(i) That approval be given to the Environmental Impact Statement Waiver, on behalf of Terra Homes Hamilton Inc., to permit the development of the lands located at no. 206 Dumbarton Avenue, as shown on the attached map marked as Appendix "D" for a single-family dwelling; and,

(ii) That the City Clerk be requested to forward a copy of Council's Decision to the Regional Clerk, for consideration by Regional Council.

(b) **"Wisemount Estates - Phase 8", Hamilton (Cash Payment in Lieu of 5% Parkland Dedication), dated 1997 April 28:**

That the City of Hamilton accept the sum of $34,350.00 as a cash payment in lieu of the 5% land dedication in connection with "Wisemount Estates - Phase 8", Hamilton being the cash payment required under Section 51 of the Planning Act.

(c) **"Wisemount Estates - Phase 7", Extension of Part Lot Control By-law, dated 1997 April 30:**

(i) That approval be given to the request by David Elliot, Solicitor for 822827 Ontario Inc., owner, for a 1 year extension to remove part-lot control in order to establish maintenance easements for Lots 1 - 9, inclusive, located in "Wisemount Estates, Phase 7", Registered Plan No. 62M-794, as shown on Appendix "E" and,

(ii) That the attached By-law, marked as Appendix "F" to extend the removal of part-lot control until June 1, 1998 from Lots 1 to 9, inclusive, Registered Plan 62M-794, "Wisemount Estates, Phase 7" plan of subdivision, be enacted by Council.

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

(a) Repealing of Zoning By-law 96-114 Respecting 775 and 779 Upper Wentworth Street, dated 1997 May 2:

(i) That Zoning By-law No. 96-114 respecting 775 and 779 Upper Wentworth Street be repealed in its entirety; and,

(ii) That the By-law attached hereto as Appendix "G" be approved by Council.

(b) Information Item

The Committee received for information purposes the following item, which was received under separate cover:

Director of Planning and Development re: Approved Site Plan Control Applications, dated 1997 April 30.

6. FOR DISCUSSION - DIRECTOR OF PLANNING AND DEVELOPMENT

Mobile Sign Working Committee - Information Report

Caroline Floroff advised that on 1997 April 17, a Working Committee meeting was held. Approximately six concerns were identified by the industry being:

1. Sign relocation
2. Sign limits per property
3. Application being made by the owner of property
4. Variance fee
5. Enforcement
6. Sign size

She stated that Section 9, which states that the application must be made by the owner of property, has called problems - such as, some property owners asking for kick-backs, therefore this Section merits review. Also, the sign size has been a concern. Some are larger than that permitted and this will be reviewed by the Building Department who will come back to determine if this needs to be adjusted.

Following some discussion, the Committee determined that the variance fee should also be reviewed since some people may be applying for a variance at a specific time per year to be requested on an ongoing basis for three - five years. The Committee felt that a $300 should not be charged for every variance if the variance requested is for the same period each year; either the variance should be granted for multiple years or the variance fee for subsequent years should be greatly reduced.

With regard to the Burlington Court action, the City Solicitor advised that the issue is not yet before the Court.

Caroline Floroff added that a new sign group has also joined the Staff Working Committee.

George Langadinos stated that By-law affects many people and that it is affecting his business. He would like to see less regulation.

Franz Brinkman, an associate of George Langadinos, was present. He stated that all the issues require consideration. The variance fee of $300 is too much, Stoney Creek charges $50. He stated that there were two other points which should be brought up which were discussed at the staff meeting:

1. Many permits are issued in advance which does not allow other people to get action to signage.

2. The By-law requires a plot plan but the Building Department has indicated that they do not require plot plan.

He urged the Committee to review the entire By-law.

Alderman Copps stated that Committee members and Council are representing the community at large and therefore it has been brought forward by staff at their direction.

Alderman Caplan concurred and commended staff.

Alderman Eisenberger stated that there are some issues which should be addressed, such as repeated variance fees for the same time period each year.

Alderman Charters gave an example of a Committee of Adjustment application which is repeated for outside gardens. Fortino's is the only group in the City which has applied for a variance at the Committee of Adjustment and therefore the Committee of Adjustment has approved the outside garden use for multiple years. He suggested that the City may want to limit variances for multiple years to three or five years.

Following discussion, the Committee resolved that the report of the Director of Planning and Development dated 1997 May 1 be received.

7. PRIVATE AND CONFIDENTIAL AGENDA

The Committee agreed to table this agenda item.

8. OTHER BUSINESS

Alderman Drury requested and the Committee concurred that the Planning Department staff prepare a report for the Committee explaining how Street names are determined.

9. ADJOURNMENT

There being no further business, the Committee meeting adjourned.

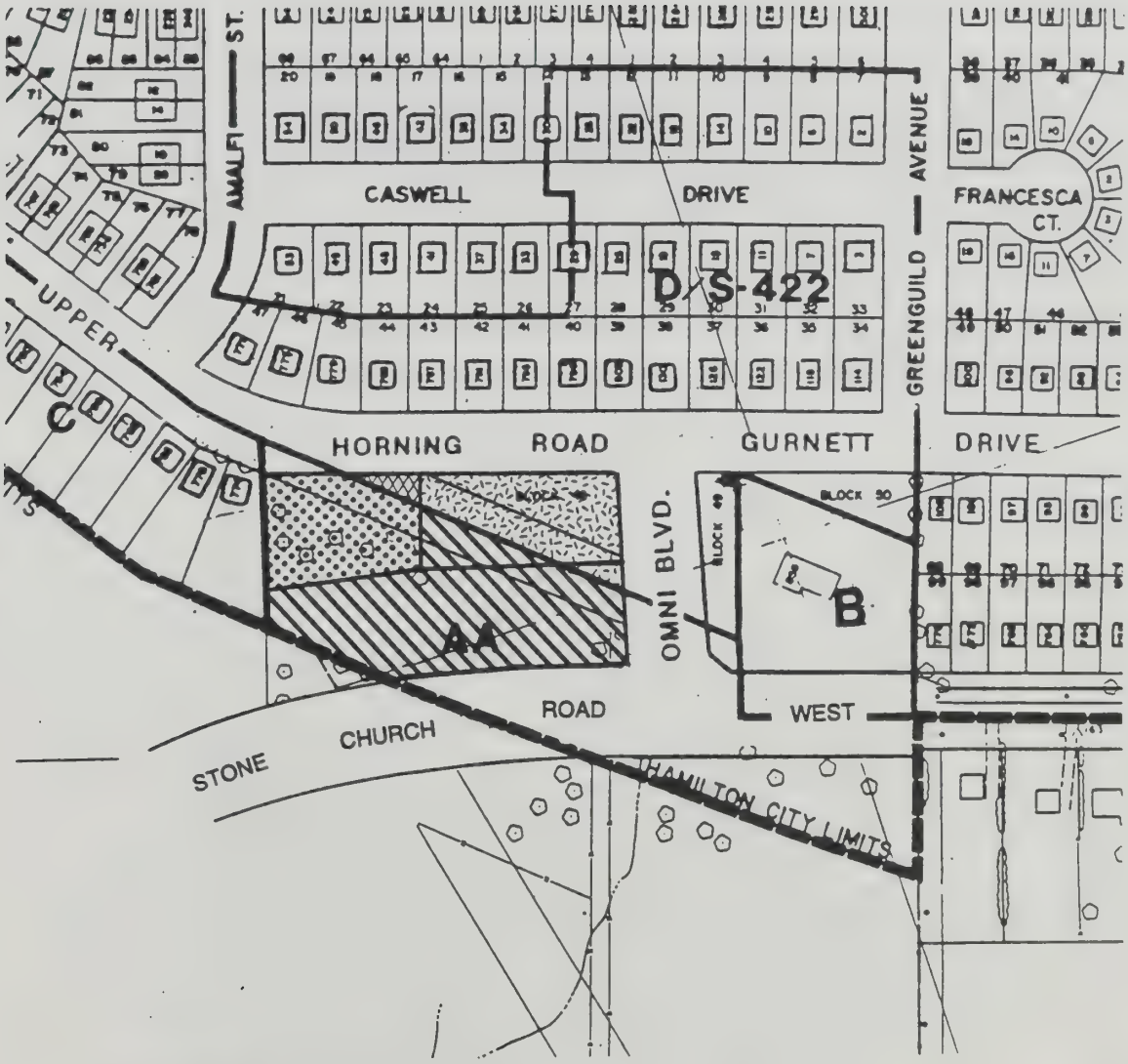
Taken as read and approved.

Alderman D. Drury, Chairman
Planning and Development Committee

Tina Agnello
Secretary

/jt

Appendix "A" as referred to in Section 1 of the Planning and Development Committee Minutes dated 1997 May 7



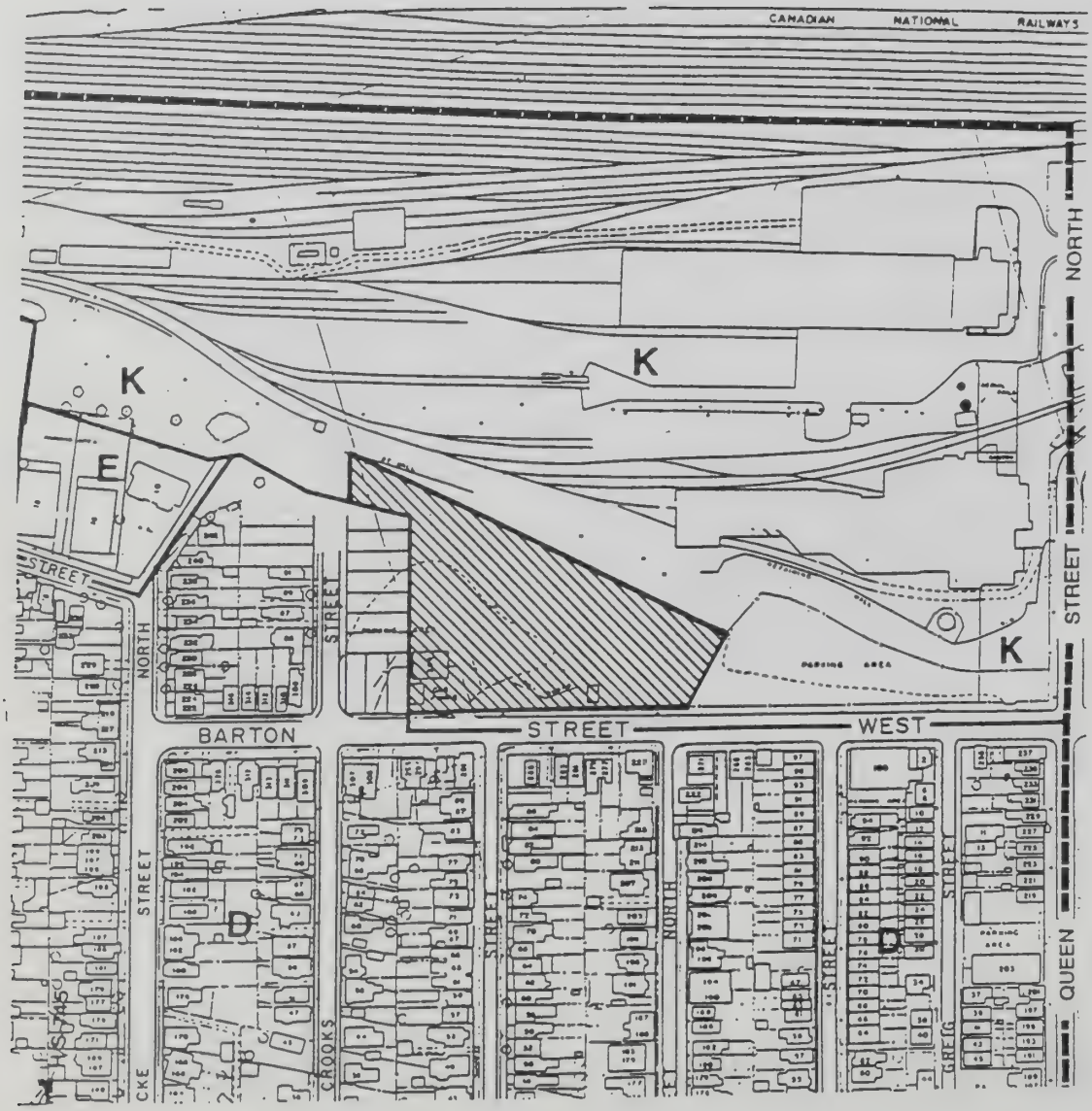
Legend

Proposed change in zoning :

BLOCK 1		From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
BLOCK 2		From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified;
BLOCK 3		From "D" (Urban Protected Residential - One and Two Family Dwellings, etc) District to "C" (Urban Protected Residential, etc.) District; and,
BLOCK 4		From "D" (Urban Protected Residential - One and Two Family Dwellings, etc) District to "C" (Urban Protected Residential, etc.) District, modified.

ZAC-97-10

Appendix "B" as referred to in Section 3(a)(i) of the Planning and Development Committee Minutes dated 1997 May 7



Legend

B-96-8 - Lands to be Severed

Appendix "C" as referred to in Section 4(d) of the Planning and Development Committee Minutes dated 1997 May 7

Bill No

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Authorize:

DEMOLITION AND CLEARING OF

BUILDINGS, STRUCTURES, DEBRIS OR REFUSE AT

293 TRAGINA AVENUE NORTH

WHEREAS a **Notice** dated the **13th** Day of **December** 1996 was served or caused to be served in accordance with Subsection 6 of Section 31 of The Planning Act, R.S.O. 1990, Chapter P.13, as amended;

AND WHEREAS an **Order** dated the **6th** of **January** 1997 was served or caused to be served in accordance with Subsection 7 of Section 31 of the said Act;

AND WHEREAS an appeal has been made from the said Order in accordance with Subsection 16 of Section 31 of the said Act;

AND WHEREAS a hearing was held on the **17th** of **March** 1997 by the Property Standards Committee in accordance with Subsection 17 of Section 31 of the said Act;

AND WHEREAS the Property Standards Committee confirmed the Order in accordance with Subsection 17 of Section 31 of the said Act;

AND WHEREAS no appeal has been lodged with a Judge of the Judicial District pursuant to Subsection 18 of Section 31 of the said Act;

AND WHEREAS the Order is now deemed to be final and binding pursuant to Subsection 19 of Section 31 of the said Act;

AND WHEREAS the buildings and structures situate on the land more particularly described as municipal number 293 Tragina Avenue North, Lot No. 4, Plan No. 502, in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, have not been repaired or demolished and the site cleared as required by the said Order;

AND WHEREAS the said buildings and structures are not in conformity with the standards prescribed in The Property Standards By-Law No.94-185 and are in a ruinous and deteriorated condition;

AND WHEREAS in accordance with Subsection 20 of Section 31 of the said Act, the Corporation has the right to demolish or repair the property in the event that the Order has not been complied with;

AND WHEREAS it is desirable to demolish the buildings and structures and to clear the site in order to secure the health, welfare and safety of the inhabitants of the area;

AND WHEREAS pursuant to Section 39(1)(c)(ii) of The Property Standards By-Law No. 94-185, as amended, the final amount expended by the City to demolish the buildings, together with interest, shall be a lien against the property in respect of which such amount was expended and the certificate of the City Clerk as to such amount shall be final and such amount shall be deemed to be taxes and may be added to the collector's roll to be collected in like manner as municipal realty taxes.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

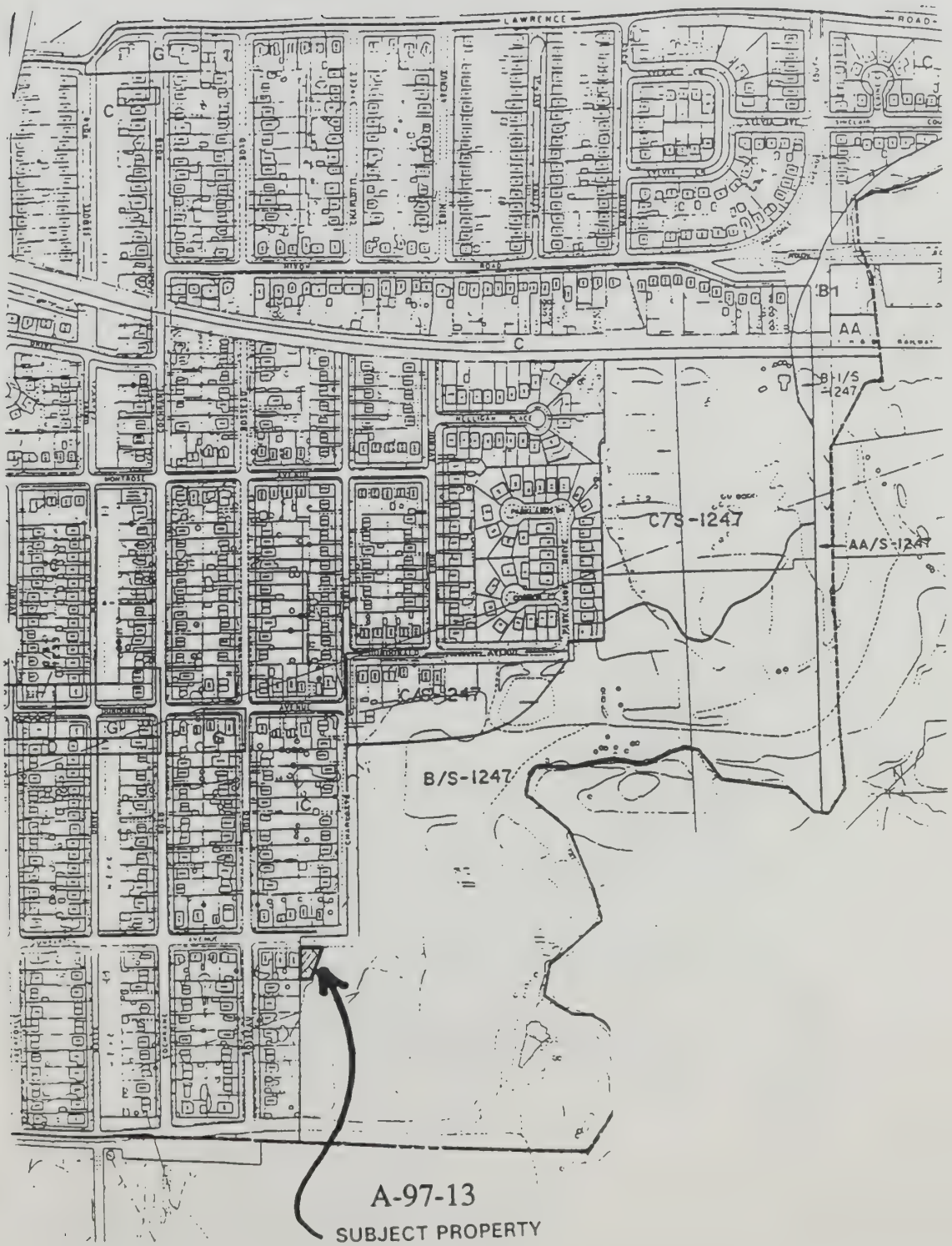
1. The Building Commissioner is hereby authorized and directed to provide for the demolition and clearing of all buildings, structures, debris or refuse on the land municipally known as 293 Tragina Avenue North, more particularly described as Lot No. 4, Plan No. 502, in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, and to leave the land in a graded and levelled condition.

2. It is hereby authorized and directed that the amount expended for the work done shall be added to the collector's roll and shall be collected in like manner as municipal realty taxes.

PASSED this day of A.D. 19

CITY CLERK MAYOR

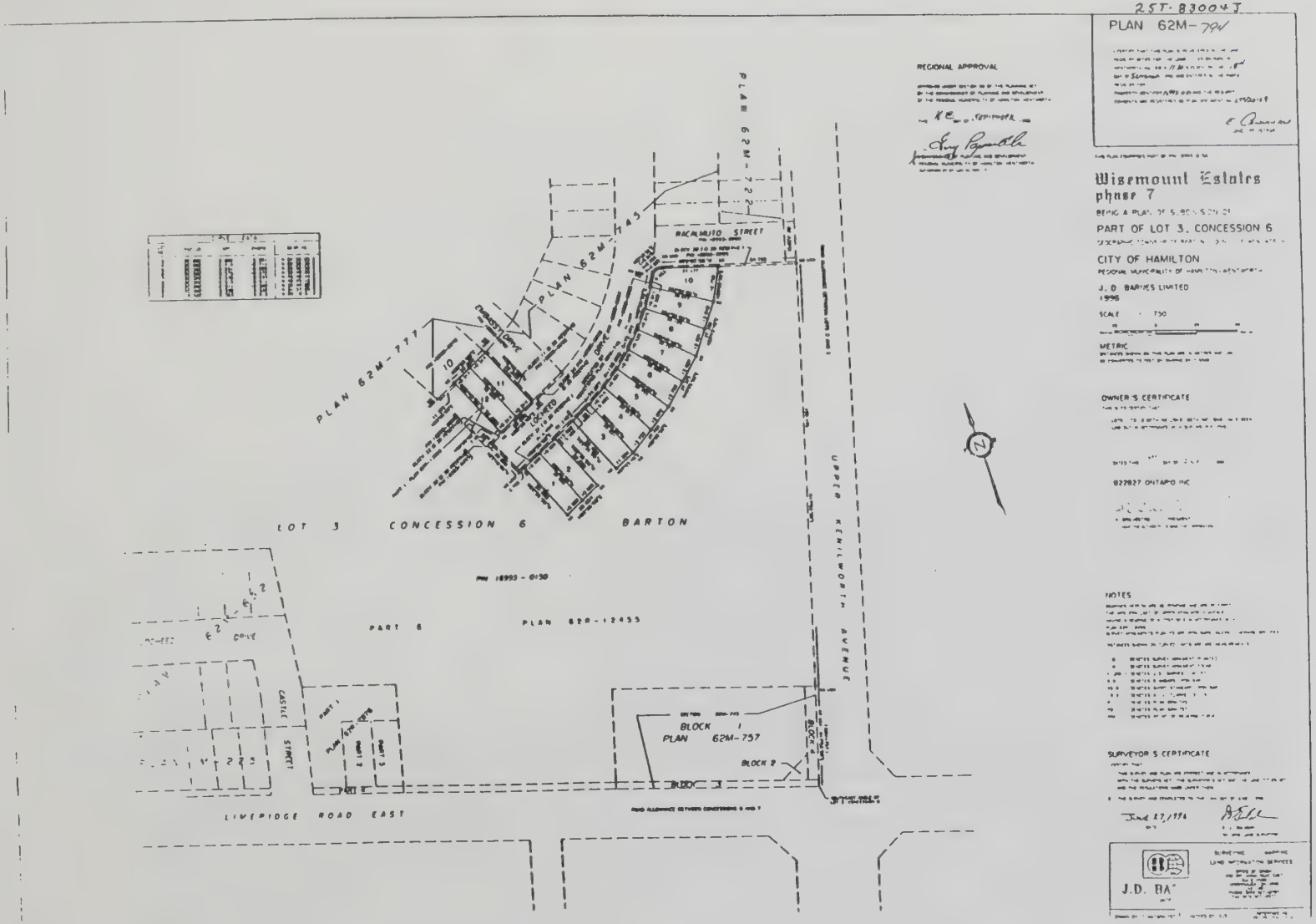
Appendix "D" as referred to in Section C.(a)(i) of the Planning and Development Committee Minutes dated 1997 May 7



LOCHEED DRIVE

M-794

25T-83004J



Appendix "E" as referred to in Section C.(c)(i) of the Planning and Development Committee Minutes dated 1997 May 7

Appendix "F" as referred to in Section 3.(c)(ii) of the Planning and Development Committee Minutes dated 1997 May 7

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Extend By-law No. 97-032

Respecting:

**LAND WITHIN THE "WISEMOUNT ESTATES, PHASE 7"
SUBDIVISION (62M-794)
PLAN 62R-13901**

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Council of The Corporation of the City of Hamilton enacted By-law No. 97-032 on February 24, 1997 to remove the lands described in section 1 thereof from part lot control, which by-law shall expire on June 1, 1997;

AND WHEREAS a request has been made for an extension of the time period specified for the expiration of By-law No. 97-032;

AND WHEREAS approval under subsection (7.1) is not required for an extension in accordance with subsection (7.4);

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 2.(c) of By-law No. 97-032 is hereby repealed and the following substituted therefor:

> "(c) As it relates to Lots 1 - 9, this By-law shall expire on June 1, 1998. As it relates to Lot 12, this By-law expires on June 1, 1997."

2. Section 1. of By-law No. 97-032 is hereby repealed and the following substituted therefor:

> "Subsection 5 of Section 50 of the Planning Act, shall not apply, for the purposes of creating maintenance easements only, to the following lands:
>
> Lots 1 to 9 inclusive, and Lot 12, within Registered Plan Number 62M-794, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth."

3. In all other respects, By-law No. 97-032 is hereby confirmed, unchanged.

4. Where this by-law has been enacted it shall be registered on title to the land described in section 1 of By-law No. 97-032.

PASSED this day of A.D. 1997.

CITY CLERK MAYOR

Appendix "G" as referred to in Section D.(a)(ii) of the Planning and Development Committee Minutes dated 1997 May 7

Bill No. C-

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Repeal:

Zoning By-law No. 96-114

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 775 AND 779 UPPER WENTWORTH STREET

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 96-114 on the 25th day of June 1996 to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593, for the "HH" District, in respect of the above-captioned land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 96-124 on the 9th day of July 1996 to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593, for the "HH" District, in respect of the above-captioned land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS it is expedient to repeal By-law No. 96-114 as it is redundant.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 96-114, passed on the 25 day of June 1996, is hereby repealed in its entirety.

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1997

CITY CLERK MAYOR

(1997) 8 R.P.D.C. , May 13
Elite Realty Corporation, Prospective Owner
ZAC-95-18

Ba)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 May 8 MAY 1 3 1997

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Commercial Property Improvement Loan Program (CPILP)
359 Barton Street East (97.2.4.2.1.A, 97.2.14)

RECOMMENDATION:

(a) (i) That a secured loan in the amount of twenty-five thousand dollars ($25,000) to Cidalio and Maria DeOliveira, for improvements to 359 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars ($12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

(b) (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars ($5,000) to Cidalio and Maria DeOliveira, for improvements to 359 Barton Street East be approved, subject to fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars ($2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

.../2

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owners of 359 Barton Street East have applied for assistance under the City of Hamilton's Commercial Property Improvement Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 94-185 and the necessary repairs have been included in the cost of repairs.

The Barton General Business Improvement Area (B.I.A.) has approved the work which is to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Building Department, therefore, recommends the approval of the following loan and grant to the applicant for improvements to 359 Barton Street East:

a. $25,000 loan amortized over ten years at 2.38 per cent interest. Grant portion $12,500
Security: promissory note and lien. Monthly payments $234.12.

b. $10,000 loan amortized over ten years at 2.38 per cent interest. Grant portion $2,500
Security: no security other than promissory note. Monthly payments $75.00.

A lien for $25,000 will be registered on title in second place to a mortgage of $125,000 in favour of Kellam Investments Corporation. The second mortgagee has agreed to postpone to third place on title.

LCK/MM/dk

c.c. R. Camani, Treasury Department
D. Clarke, Building Department
D. Powers, Law Department

Bb)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 May 5 MAY 1 3 1997

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Commercial Property Improvement Loan Program (CPILP)
360-362 Barton St E (97.2.4.2.1.A, 97.2.14)

RECOMMENDATION:

(a) (i) That a secured loan in the amount of twenty-five thousand dollars ($25,000) to Joao and Lucilia Ferreira, for improvements to 360-362 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars ($12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

(b) (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars ($5,000) to Joao and Lucilia Ferreira, for improvements to 360 - 362 Barton Street East be approved, subject to fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars ($2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

.../2

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owners of 360-362 Barton Street East have applied for assistance under the City of Hamilton's Commercial Property Improvement Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 94-185 and the necessary repairs have been included in the cost of repair.

The Barton General Business Improvement Area (B.I.A.) has approved the work which is to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Building Department, therefore, recommends the approval of the following loan and grant to the applicant for improvements to 360-362 Barton Street East:

a. $25,000 loan amortized over ten years at 2.38 per cent interest. Grant portion $12,500
Security: promissory note and lien. Monthly payments $234.12.

b. $10,000 loan amortized over ten years at 2.38 per cent interest. Grant portion $2,500
Security: no security other than promissory note. Monthly payments $75.00.

A lien for $25,000 will be registered on title. There are no registered encumbrances on title.

LCK/MM/dk

c.c. R. Camani, Treasury Department
D. Clarke, Building Department
D. Powers, Law Department

B c)

CITY OF HAMILTON

- RECOMMENDATION -

MAY 1 3 1997

DATE: 1997 May 5

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C Kin, P.Eng.
Building Commissioner

SUBJECT: 184 Kensington Ave N
Demolition under The Planning Act
(97.2.4.2.1.A, 97.4.9)

RECOMMENDATION:

(a) That the Building Commissioner be authorized to call tenders and subsequently proceed to have the building located at 184 Kensington Avenue North demolished and the site cleared to bring the property into compliance with City of Hamilton Property Standards by-law 94-185 and as authorized under The Planning Act, 1990 Subsection 20, Section 31 and specifically do the work required to comply with the Final and Binding Order; and,

(b) That the costs incurred for the demolition, levelling, and clearing of the lands together with administrative costs be added to the tax roll; and

(c) That the Building Commissioner be authorized to issue a demolition permit for 184 Kensington Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended; and,

(d) That the attached by-law to authorize the demolition of all buildings and structures and the clearing of the lands be enacted by Council.

.../2

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The property in question is a single storey frame structure with insulbrick cladding and no foundation. The estimated present value of the property is $12,700. Due to the fact that the building was completely gutted by the owner, the building does not contribute to the land value and, in fact, the value of the land without the structure is estimated at $17,500. There is a first mortgage of $3,000 and a second mortgage of $65,000 registered against the property. The present structure is, therefore, not economically viable for rehabilitation for its legal use.

There are outstanding taxes on the property totalling $2,735.64. This includes all of the taxes for 1996 and the first two instalments of 1997. The cost of demolition, levelling, and clearing of the lands will be approximately $4,860 which together with administrative costs, will be added to the tax roll.

BACKGROUND

As a result of a complaint received on 1996 April 22 by the Building Department an inspection was carried out which revealed that the interior of the building had been completely gutted without benefit of a building permit. As a result, enforcement procedures were commenced. On 1996 July 11, the Building Department received an application for a Building permit signed by the owner of the property to "renovate the roof, drywall, kitchen, and bathroom". On 1996 July 16, the owner was advised that further funds were required prior to the issuance of the permit. To date, the owner has not contacted the Building Department with regard to this permit application. Periodic inspections were carried out on this property which revealed a further deterioration of the structure and no further construction taking place. In view of the above facts, Property Standards enforcement was commenced with a view to having the property brought into compliance with the by-law either by the owner or failing same, through demolition by the City. The Property Standards enforcement culminated in the Order becoming final and binding on 1997 February 7 without the owner exercising his right to appeal.

To date, the property is still vacant there is no work being carried out to make the necessary repairs and an estimated $40,000 is required to bring it into compliance with Property Standards By-law 94-185.

In view of the fact that the owner has shown no intent to make the necessary repairs and the building continues to deteriorate, this recommendation is brought forward at this time.

LCK/LH
Encl

c.c. Allan C. Ross, Treasurer, City Treasury Department
P. Noé Johnson, City Solicitor, Law Department

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Authorize:

DEMOLITION AND CLEARING OF

BUILDINGS, STRUCTURES, DEBRIS OR REFUSE AT

184 KENSINGTON AVENUE NORTH

WHEREAS a **Notice** dated the **13th** of **December**, **1996** was served or caused to be served in accordance with Subsection 6 of Section 31 of The Planning Act, R.S.O. 1990, Chapter P.13, as amended;

AND WHEREAS an **Order** dated the **10th** of **January**, **1997** was served or caused to be served in accordance with Subsection 7 of Section 31 of the said Act;

AND WHEREAS no appeal has been made from the said Order in accordance with Subsection 16 of Section 31 of the said Act;

AND WHEREAS the buildings and structures situate on the land more particularly described as municipal number 184 Kensington Avenue North, Lot 147, Plan No. 378, in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, have not been repaired or demolished and the site cleared as required by the said Order;

AND WHEREAS the said buildings and structures are not in conformity with the standards prescribed in The Property Standards By-Law No. 94-185, as amended, and are in a ruinous and deteriorated condition;

AND WHEREAS in accordance with Subsection 20 of Section 31 of the said Act, the Corporation has the right to demolish or repair the property in the event that the Order has not been complied with;

AND WHEREAS it is desirable to demolish the buildings and structures and to clear the site in order to secure the health, welfare and safety of the inhabitants of the area;

AND WHEREAS pursuant to Section 39(1)(c)(ii) of The Property Standards By-Law No. 94-185, as amended, the final amount expended by the City to demolish the buildings, together with interest, is a lien against the property in respect of which such amount was expended and the certificate of the City Clerk as to such amount is final and such amount is deemed to be taxes and may be added to the collector's roll to be collected in like manner as municipal realty taxes.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The Building Commissioner is hereby authorized and directed to provide for the demolition and clearing of all buildings, structures, debris or refuse on the land known as **184 Kensington Avenue North**, more particularly described as Lot 147, Plan No. 378, in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, and to leave the land in a graded and levelled condition.

2. It is hereby authorized and directed that the amount expended for the work done shall be added to the collector's roll and shall be collected in like manner as municipal realty taxes.

PASSED this day of A.D. 19

APPROVED AS TO FORM LF For PNS CITY SOLICITOR

CITY CLERK

MAYOR

C.

CITY OF HAMILTON

- RECOMMENDATION -

MAY 1 [illegible] 1997

DATE: May 12 1997
CDM-97-02
Chapple East Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Draft Plan of Condominium by Benemar Construction "Cranberry Village" - 100 Vineberg Drive and 1889 Upper Wentworth Street

RECOMMENDATION:

(a) That approval be given to application CDM-97-02 (Regional File 25CDM-97003), Benemar Construction, owner, to establish a draft plan of condominium "Cranberry Village", located at the south-east corner of Vineberg Drive and Upper Wentworth Street and known municipally as 100 Vineberg Drive (Phase 1) and 1889 Upper Wentworth Street (Phase 2), as shown on the attached map marked as APPENDIX "A", subject to the following conditions:

i) That this approval apply to the plan prepared by Sidney W. Woods Engineering Inc. and certified by L.G. Woods, O.L.S., dated March 12, 1997, showing a total of 28 residential townhouse units on Phase 1 and a total of 33 residential townhouse units on Phase 2 and revised as shown in red on APPENDIX "B";

ii) That the Final Plan of Condominium be in strict conformity with the Site Plan approved on April 21, 1997, under application DA-97-08. This shall include revision of the Plan, so that the location of the visitor parking spaces conform with the Approved Site Plan;

iii) That the applicant satisfy all conditions of Site Plan approval to the satisfaction of the City of Hamilton, and enter into a Site Plan agreement with the City, prior

to registration of the Phase 1 Condominium;

iv) That the Phase 1 and 2 Condominium Corporations be required to enter into and register on title, prior to the sale of any unit in the respective Phase, the Agreement of the Condominium Corporation to assume and be bound by the Site Plan Agreement, to the satisfaction of the City Solicitor;

v) That rezoning application ZAC-95-19 to rezone the subject lands to "R-4" (Small Lot Single-Family Dwellings) District and associated draft plan of subdivision application SAC-94-05 (25T-94010) be withdrawn by the applicant, prior to the registration of Phase 1;

vi) That all the required easements shown on the Draft Plan, as redlined, over both Phase 1 and Phase 2 Condominiums, be registered prior to the final approval and registration of the Phase 1 Condominium;

vii) That all the internal roads, within Phase 1 and Phase 2, and the access onto Upper Wentworth Street and Vineberg Drive be constructed prior to the registration of the Phase 1 Condominium.

viii) That Committee of Adjustment application A-97-91 be finalized, prior to the registration of Phase 1.

ix) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton.

(b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

Benemar Construction Inc., owner.

Surveyor:

L.G. Woods, O.L.S., L. G. Woods Surveying Inc.

Location:

The lands, comprising 1.393 ha, known municipally as 100 Vineberg Drive (Phase 1) and 1889 Upper Wentworth Street (Phase 2), are located at the south-east corner of Upper Wentworth Street and Vineberg Drive in the Chapple East Neighbourhood (see APPENDIX "A").

Proposal:

The owner is proposing to construct two condominium townhouse developments (see APPENDIX "B"). Phase 1, known municipally as 100 Vineberg Drive, would contain a total of 28 townhouse dwelling units. Phase 2, known municipally as 1889 Upper Wentworth Street, would contain a total of 33 townhouse dwelling units.

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan (HWOP). The proposal conforms with the intent of the HWOP.

Hamilton Official Plan:

The subject lands are designated "Residential". The proposal complies with the intent of the Official Plan.

Neighbourhood Plan:

The subject lands are designated "Attached Housing" in the approved Chapple East Neighbourhood Plan. The proposal complies with the Neighbourhood Plan.

Zoning:

The subject lands are zoned "RT-20" (Townhouse - Maisonette) District, modified. The proposal requires a number of variances, which were approved by the Committee of Adjustment on April

30, 1997. The variances are not yet final and binding. Upon finalization of the variances, the proposal will comply with the Zoning By-law.

Site Plan:

Plans under application DA-96-10 were previously approved and finalized (January 20, 1997) to permit development of the subject lands for a 61 unit condominium townhouse development. The applicant has amended the proposal, under DA-97-08, to allow development of the subject lands as two separate condominiums, rather than one condominium. Site Plan Control Application DA-97-08, received conditional approval on April 21, 1997. The Site Plan Agreement has not been finalized.

Minor modifications are required with regard to the location of the visitor parking spaces to bring the draft plan into conformity with the approved Site Plan DA-97-08. In addition, minor corrections to the access driveways are also required.

COMMENTS FROM CIRCULATION:

The following agencies had no comments or objection:

- Hamilton Region Conservation Authority.

The Department of Public Works and Traffic advised that:

> "We recommend that the submitted plan be modified to be consistent with the final approved site plan application, DA-97-08, regarding the location of the driveways on Upper Wentworth Street and Vineberg Drive."

The Building Department advised that:

"1. Site Plan Agreement DA-96-10 is finalized and registered on title approving the development of eleven (11) buildings containing a total of sixty-one (61) townhouse dwelling units.

2. The location of the proposed buildings, as shown on the Draft Plan of Condominium submitted, conform to approved DA-96-10.

3. The proposed development is currently under construction.

4. The proposed property line shown to sever the above noted development into two phases is subject to amending Site Plan Control Application DA-97-08 and Committee of Adjustment application A-97-91. Both applications have yet to be approved or finalized."

The Regional Environment Department advised that:

"INFORMATION

1. A municipal watermain is available and is of sufficient size and capacity to service this development directly from Upper Wentworth Street and Vineberg Drive. The Permit for the connection to the Municipal water distribution has been issued.

2. Municipal storm and sanitary sewers are available on Vineberg Drive and are of sufficient size and capacities to service this development. The permit for the connection to the Municipal storm and sanitary sewer systems has been issued.

3. There are no road widenings required in connection with this development.

4. There will be no Municipal share of services to be installed within this development.

5. Our office has been advised that Canada Post requires one centralized mailbox panel for the development of the 61 proposed condominium units to be located adjacent to Unit 1 opposite unit 25.

RECOMMENDATIONS:

1. We have no recommendations for this condominium application for Phase 1.

The submitted plan as prepared by L.G. Woods, O.L.S. of L.G. Woods Surveying Inc., dated March 12, 1997, is satisfactory to the Regional Environment Department, subject to the above-noted comments and recommendations."

COMMENTS:

1. The proposal complies with the intent of the Official Plan. The proposal complies with the approved Chapple East Neighbourhood Plan.

2. The proposal will comply with the "RT-20" (Townhouse - Maisonette) District, modified, regulations of the City of Hamilton Zoning By-law, once the Committee of Adjustment decision, respecting application A-97-91, is final and binding. Finalization of the variances should be made a condition of draft approval.

3. The proposal requires minor modifications with regard to the location of the visitor parking spaces and minor corrections to the access driveways, to bring the draft plan into conformity with the approved Site Plan DA-97-08. In addition, the location of the

centralized mailbox should be shown on the Condominium Plan. These modifications, which will bring the Condominium Plan into conformity with Site Plan DA-97-08 have been recommended as redline revisions or conditions.

Furthermore, the conditions of Site Plan application DA-97-08 have not been finalized. As such, the proposed Plan of Condominium should be subject to the applicant satisfying all of the conditions of Site Plan application DA-97-08.

4. Since the approved Site Plan Application DA-97-08, requires all the internal roads and both accesses to be constructed during the construction of phase 1, a similar condition is required for the Draft Plan of Condominium. Accordingly, a condition is recommended, which requires all the internal roads and both accesses to be constructed during the first phase of development.

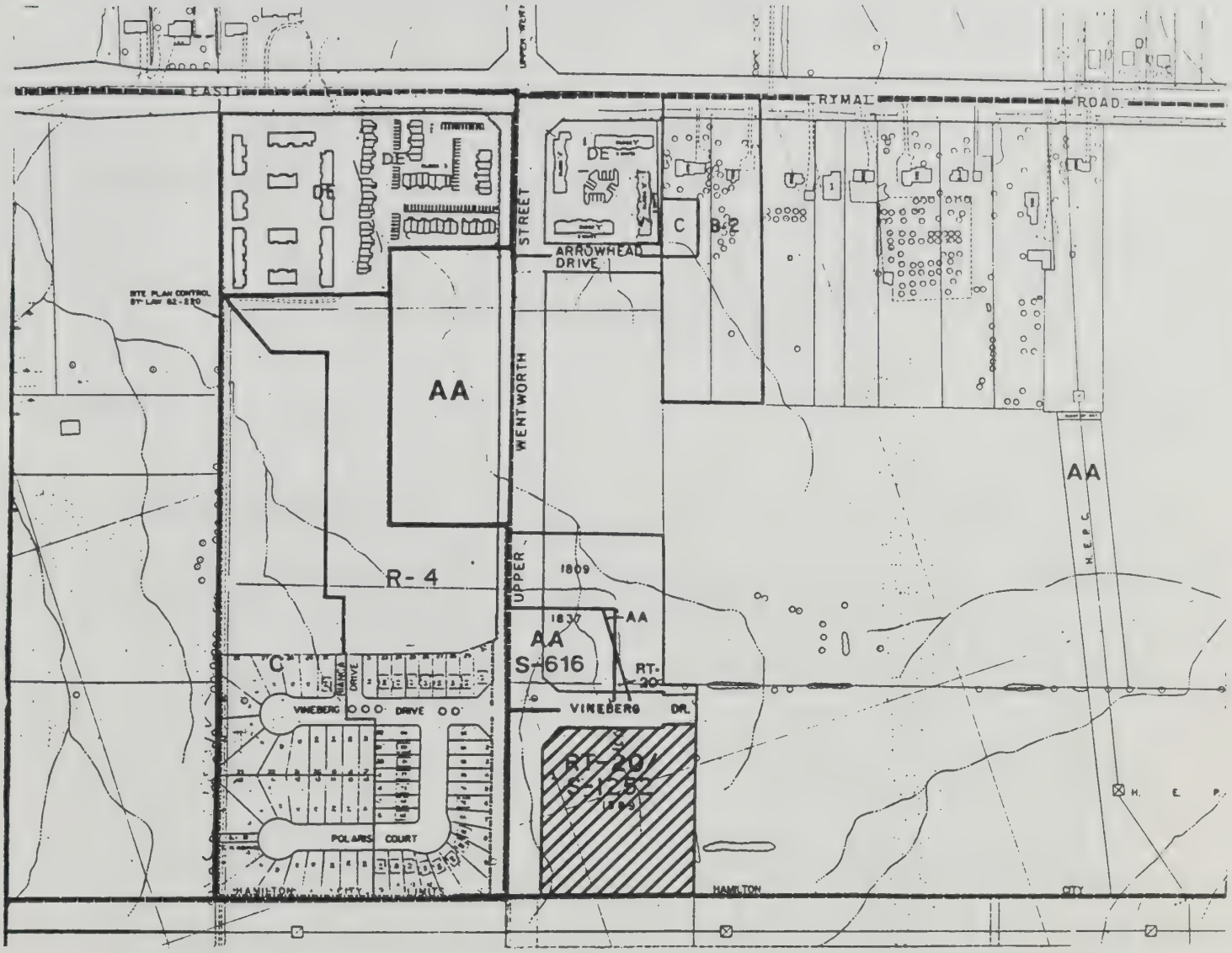
5. The Draft Plan, as submitted, does not include an easement over the visitor parking area. An easement should be included, to allow the visitor parking area to used jointly by both condominiums, phase 1 and phase 2. Accordingly, a redline revision is recommended to extend the easement to include the visitor parking area.

6. In 1995, an application ZAC-95-19, was submitted to the City of Hamilton to rezone the subject lands to "R-4" (Small Lot Single-Family Dwellings) District. An associated application, SAC-94-05 (25T-94010) was submitted for draft plan approval. Since the applicant is not proceeding with these applications, as a condition of condominium approval, the applicant should be require to withdraw the outstanding development applications.

CONCLUSION:

On the basis of the forgoing, the proposed plan of condominium can be supported.

CL-M

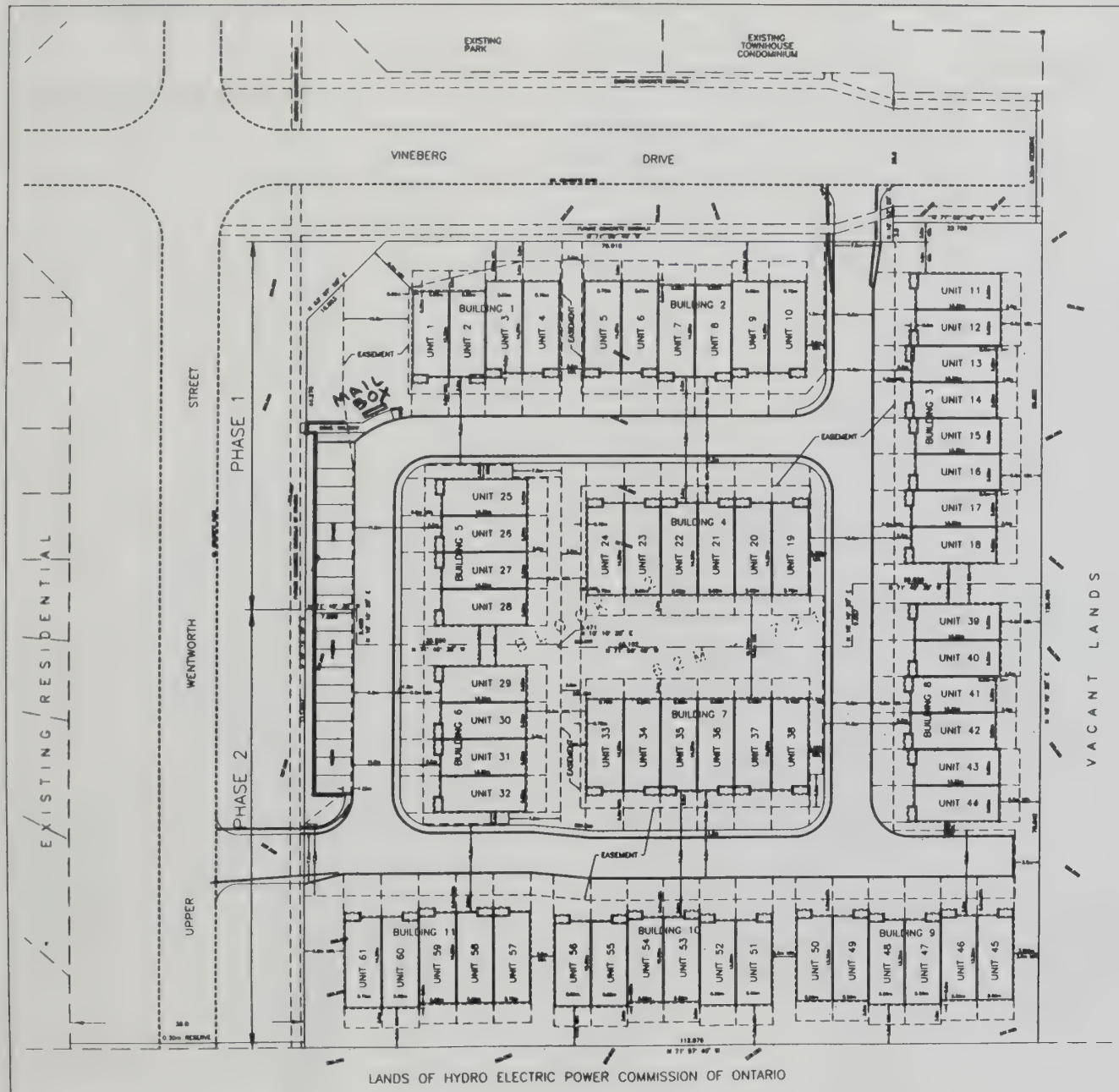


Legend

Site of the Application

CDM-97-02

APPENDIX A



DRAFT PLAN OF CONDOMINIUM OF

CRANBERRY VILLAGE

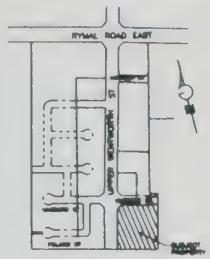
BEING ALL OF BLOCK 2, PLAN 62M-721
AND PART OF LOT 9, CONCESSION 1
IN THE FORMER
TOWNSHIP OF GLANFORD
NOW IN THE
CITY OF HAMILTON
IN THE
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1:300 METRIC

TYPICAL ROADWAY SECTION
NTS

TYPICAL UNIT AND EXCLUSIVE USE AREAS
N.T.S.

SIDNEY W. WOODS ENGINEERING INC.
DUNDAS, ONTARIO (905) 627-0775
MARCH 11, 1997



KEY PLAN (NTS)

DRAFT APPROVAL:

SUBJECT TO THE CONDITIONS, IF ANY, SET FORTH IN OUR LETTER DATED ..... 19.. THIS DRAFT PLAN IS APPROVED UNDER SECTION 51 OF THE PLANNING ACT AND SECTION 50 OF THE CONDOMINIUM ACT THIS ..... DAY OF ..... 19..

DIRECTOR OF DEVELOPMENT
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SURVEYOR'S CERTIFICATE

I CERTIFY THAT

THE BOUNDARIES OF THE LAND TO BE DIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE AS SHOWN ON PLAN 62M - 721

MARCH 12, 1997
DATE

L.E. WOODS SURVEYING INC.
L. E. WOODS, O.L.S.

OWNER'S CERTIFICATE

I/WE HEREBY AUTHORIZE SIDNEY W. WOODS ENGINEERING INC. TO SUBMIT THIS DRAFT PLAN OF CONDOMINIUM FOR APPROVAL.

MARCH 12 1997
DATE

BENHAM CONSTRUCTION INC.
NAME (S) (PRINCIPAL(S), IF ANY)

SCHEDULE

RE SECTION 51(17) OF THE PLANNING ACT

A) SHOWN ON PLAN
B) SHOWN ON PLAN
C) SHOWN ON PLAN
D) CONDOMINIUM RESIDENTIAL
E) SHOWN ON PLAN
F) SHOWN ON PLAN
G) SHOWN ON PLAN
H) MUNICIPAL WATER IS AVAILABLE
I) SILTY CLAY TILL
J) SHOWN ON PLAN
K) ALL USUAL MUNICIPAL SERVICES ARE AVAILABLE
L) NONE EXISTING, R.O.W. & EASEMENTS PROPOSED

CAUTION THIS IS NOT A FINAL PLAN AND IS SUBJECT TO REVISION AND AMENDMENT

GENERAL NOTES

— — — — DENOTES LIMIT OF EASEMENT FOR ROAD SIDEWALK, HYDRO, SEWER, AND WATER

DENOTES EXISTING GROUND CONTOUR

CONTOURS ARE REFERRED TO GEODETIC DATUM AND ARE BASED ON ACTUAL FIELD ELEVATIONS BY J.D. BARNES LTD. O.L.S.

CURB RADIUS AT CORNERS TO BE 9.0m MEASURED AT BOTTOM FACE OF CURB

UNIT WIDTHS SHOWN ARE FROM OUTSIDE FACE OF EXTERIOR BASEMENT WALL TO CENTER LINE OF PARTITION BASEMENT WALL OR FROM CENTER LINE OF BASEMENT WALL TO CENTER LINE OF BASEMENT WALL.

BASEMENT WALLS ARE 0.30m (1') WIDE.

DRAWING No. E - 1125 - D

APPENDIX B

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 May 15

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) City Solicitor re: Confidential Report on 97 Frid Street, Correspondence of Grant Howell, dated 1997 May 2

(b) Secretary LACAC re: Minutes of Meeting Held 1997 March 10, dated 1997 March 10

(c) Director of Public Works and Traffic re: Bill 106- Responses from Hamilton's Business Improvement Areas, dated 1997

(d) Building Commissioner re: Front Yard Parking Enforcement Procedure, dated 1997 May 2

(e) Building Commissioner and City Solicitor re: Garage Conversion/Occupancy at 189 Cline Avenue South, dated 1997 May 8

(f) Director of Planning and Devlopment re: Site Plans for Approval, dated 1997 May 12

(g) Comment on City of Guelph Lodging House By-law Municipal Initiatives in the Westdale/West Hamilton Area, dated 1997 May 12

(h) Building Commissioner re: Building Department Quarterly Reports as at 1996 December 31, dated 1997 May 15

(i) Building Commissioner re: Building Department Quarterly Reports as at 1997 March 31, dated 1997 May 15

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND: N/A

URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1997

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL

Wednesday, 1997 June 18
9:30 o'clock a.m.
Room 233, City Hall

JUN 17 1997

GOVERNMENT DOCUMENTS

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 97-06, by Fiore and Vally Manganiello, owners, for a change in zoning from "L-mr-2" district to "DE-2" district, modified, for property located at 87-95 Wellington St. North and 216 Wilson Street.

2. Zoning Application 97-16, by 1104020 Ontario Limited Inc., owner, for a modification in zoning to the "C" district regulations for lands located at 661 Upper Wellington Street.

3. Zoning Application 97-15, by Kimshaw Holdings Limited, applicant, for a change in zoning from "K" district to "L-mr-1" district, for lands located on the north side of Barton Street West, east of Crooks Street.

PUBLIC MEETINGS - 9:45 O'CLOCK A.M.

4. Downtown Hamilton Community Improvement Plan

   a) Submission: Hamilton Region Conservation Authority

5. Zoning Application 97-09, by Wesley Urban Ministries, owner, for a further modification to the established "E" District for lands located at no. 195 Ferguson Avenue North.

Submissions: a) A Petition in favour with 56 Signitors
b) 172 Letters in Opposition
c) 59 Letters in Favour
d) A Petition in opposition with 219 Signitors

(Copies are available upon request from the Secretary of the Planning and Development Committee)

6. **REFERRAL FROM COUNCIL**

Mr. J. Wannop re: 139-147 Locke Street South - Site Plan

7. **DIRECTOR OF PLANNING AND DEVELOPMENT**

ZA-96-11, 73 Garfield Avenue South (Previously Tabled)

a) Submission: Micheal J. Wychopen

8. **ALDERMAN FRANK D'AMICO**

Appleblossom Drive Extension (no copy)

9. **CONSENT AGENDA**

10. **OTHER BUSINESS**

11. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
2.	Rehabilitation Loan Programs	1996 June 25 (Council)	Review to be conducted by staff	Recommendation from Building Commissioner to Cttee by 1996 Nov. 1
3.	Mobile Sign By-law	1996 July 3 and 1997 February 11	Two reviews to be conducted three months and six months after the passing of the Mobile Sign bylaw on 1997 February 11	*Industry and Staff Committee To report back in one year (by July 3 1997) *Staff Report to be brought back in 6 mos (by August 11 1997) *Report back in 3 mos (by May 11 1997) re: actual recovery costs for the implementation and enforcement of the bylaw as well as a review of permit fees for businesses and licencing for operators
4.	Bringing responsibility for administration of Subdivisions, Condominium Control and Part Lot Control to the City from the Region	1996 July 3	Building Commissioner to Draft Report	Report Forthcoming
5.	Correspondence : CAPIC support for Establishment of a Downtown Neighbourhood	1996 October 23	Referred to Planning Staff for report	Report Forthcoming
6.	ZA-96-11, 73 Garfield Avenue South	1996 November 20	Ward Alderman, residents and applicant to meet	Tabled to 1997 January
7.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and Incineration as a use regarding Hamilton Harbour Commission Lands	Report Forthcoming
8.	ZA-97-02, 310 Limeridge Road West	1997 March 19	Alternate Uses for the property to be investigated	Tabled. To be brought back on 1997 May 21
9.	ZA-97-06, 216 Wilson Street	1997 April 2	Tabled upon request of the Applicant	Tabled
10.	RHPA application CD-96-004, 222 Gage Avenue South	1997 April 2 and 1997 May 7	Ward Aldermen to meet with applicant and residents	Tabled for 1 month Further tabled for 6 months (to first meeting of Nov 1997)

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
11.	RHPA application CD-96-005, 155 Market Street	1997 April 23	Applicant to meet with residents in order to address their concerns	Tabled for 2 months
12.	ZA-97-07, Irregular Parcel of Land West of Upper Kenilworth Ave. and south of Racalmuto Street	1997 April 23	Tabled for future development Plans	Report Pending
13.	Street Naming	1997 May 7	Planning and Development Staff requested to prepare a report explaing how street names are determined	Report Pending
14.	Allison Estates Subdivision - Park Site	1997 May 7	Tabled at the request of the subdivider	Tabled
15.	ZAC-97-05, 200 Rymal Road Road Inc.	1997 May 21	Tabled at the request of the Applicant	Tabled

1997 May 29

1

CITY OF HAMILTON

- RECOMMENDATION -

JUN 1 1 1997

DATE: 1997 June 9
ZAC-97-06

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning - Nos. 87, 89, 91, 93 and 95 Wellington Street North and No. 216 Wilson Street

RECOMMENDATION:

A. That amended Zoning Application 97-06, Fiore Manganiello, owner, requesting a change in zoning from "L-mr-2" (Planned Development - Multiple Residential) District to "DE-2" (Multiple Residential) District modified, to construct a four (4) storey 12 unit apartment building, for property located at Nos. 87, 89, 91, 93 and 95 Wellington Street North and No. 216 Wilson Street, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

i) Although the development provides for housing opportunities in the downtown, the proposal represents an over intensification of land use in that the lot area is too small for the twelve (12) unit apartment building (i.e. 1.23 x lot area is proposed whereas 0.9 x lot area is permitted); the landscape area is only 15 % of the lot area whereas 25% of the lot area; and the building does not meet the minimum front, side, and rear yard setbacks;

ii) The proposal conflicts with the intent Official Plan in that adequate off-street parking spaces, landscaping and buffering, and maintenance of street landscaping will not provided;

iii) The proposal does not provide adequate parking, loading and manoeuvring spaces on site which will result in negative spill-over effects within the road allowance;

iv) Approval of the application may encourage other ~~similar~~ applications which, if approved, would undermine the intent of the Zoning By-law.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

It is the applicant's intention to construct a four (4) storey 12 unit apartment building (See Appendix "D"). The three (3) existing rowhouses, which contain nine (9) residential dwellings (according to the assessment records), would be demolished.

Zoning Application 89-103

At the April 3, 1990 and April 10, 1990 meetings of the Planning and Development Committee and City Council respectively, **denied** Zoning Application 89-133 as recommended. At that time it was the applicant intention to construct a two-storey building to be used as offices for a real estate company and a property management company.

Zoning Application 90-20

At the July 24, 1991 and July 30, 1991 meetings of the Planning and Development Committee and City Council respectively, **denied** Zoning Application 90-20 as recommended. At that time it was the applicant intention to construct a two-storey office building 632.0 m^2 (6,802 Sq. ft.).

These matters were then appealed to the Ontario Municipal Board and a hearing was set for October 15, 1992 which was subsequently abandoned by the applicant.

APPLICANT:

Fiore & Valley Manganiello, owners.

LOT SIZE AND AREA:

- 31.5 m (103.6 feet) of lot frontage on Wellington Street North;
- 24.7 m (81 feet) of lot frontage on Wilson Street; and,
- 778.0 m^2 (8,373.0 square feet) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Attached Houses	"L-mr-2" (Planned Development - Multiple Residential) District
Surrounding Lands		
to the north and south	Apartment building	"E-3" (High Density Multiple District, modified
to the west	Attached houses	"L-mr-2" (Planned Development - Multiple Residential) District
to the east	Commercial	"H" (Community Shopping and Commercial, etc.) District, modified

OFFICIAL PLAN:

Designated "CENTRAL POLICY AREA" on Schedule "A" - Land Use Concept, the following policies are applicable:

"A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA as shown on Schedule "A" will be for the following uses:

ii) Residential Uses of various housing types, including, but not limited to, single-family detached, semi-detached, townhouses and apartments, and in keeping with the Residential policies set out primarily in Subsection A.2.9.3, as well as in Subsections A.2.1 and C.7 of this plan;

In addition to the above, the subject lands are also located with SPECIAL POLICY AREA 3 on Schedule "B" - Special Policy Areas. The following policy should also be noted:

"2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of subsections A.2.1 and C.7, and Policy A.2.8.1(ii);

i) It is the intent of Council to strengthen the Residential function of this AREA to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;

v) It is intended that Residential development or redevelopment be at a scale, density and bulk compatible with the established character of the surrounding uses;"

Furthermore, the following policy should also be noted:

"A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,

ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses."

"C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

ii) Alteration of traffic flows;

iii) Improvement and maintenance of street landscaping;

vi) Investigation into, and application of, other methods of encouraging the maintenance and improvements of buildings in RESIDENTIAL areas;"

The proposal conflicts with the intent of the Official Plan in that adequate off-street parking spaces, landscaping and buffering, and maintenance of street landscaping will not provided. However, if the application is approved, an Official Plan Amendment is not required.

NEIGHBOURHOOD PLAN:

The lands are designated "LOW DENSITY APARTMENTS/STACKED TOWNHOUSES" on the approved Beasley Neighbourhood Plan. The proposal does not conflict with the intent of the Plan.

RESULTS OF CIRCULARIZATION:

- The following Agencies have no comment or objection:

  - Hamilton Region Conservation Authority; and,
  - Union Gas.

- The Regional Environment Department has reviewed the application and has advised that they cannot support the development proposal, as submitted (see Appendix "B").

  Essentially, the site plan submitted with the application does not take into consideration required road widenings, along Wellington and Wilson Street, to be dedicated to the Region. Regional Environment Department Staff have met with the applicant on a number of occasions to review this matter and discuss their concerns with respect to lack of adequate on-site manoeuvring, setbacks for fences, motorists sight lines etc.

  Furthermore, the applicant/owner has requested on a number of occasions that the requirement for the dedication of the road widenings be waived. The Regional Environment Department Staff have advised that should the applicant still request that the Region's road widening requirement be waived, we recommend that this application be tabled at this time and that the reduction in the Region's road widening policy be referred to the Region's Transportation Services Committee and Council for their consideration.

- The Traffic Department has advised that:

  "It is our understanding that the Roads Department will be requiring the dedication of road widenings and a daylight triangle for this development. Our review indicates that the north east corner of the building extends into the daylight triangle measured from the future widened limits of Wellington and Wilson Streets. Prior to further design submissions, the issue of road widening dedications should be resolved.

  With reference to the design of the proposed building, we provide the following comments.

  The proposed access and internal driveway is not adequate to allow a single unit truck to access the proposed loading area or garbage room. Therefore, all loading activity would take place on Wellington or Wilson Street. However, the current on-street parking regulation on both Wellington and Wilson Street along the entire frontage of the subject property is No Stopping Anytime which prohibits loading activity. Approval of this plan may encourage illegal loading to occur in these areas.

  The design of the internal driveway does not provide sufficient manoeuvring for passenger vehicles to exit the parking area and turn into the driveway at the south end of the building. In order for a passenger vehicle to turn into the driveway, the driveway must be widened to a minimum of 3.7m (12 ft.) wide.

  In order to provide an adequate turning radius for passenger vehicles to turn into the driveway on Wilson Street modifications will be required to the west side of the driveway."

- The Building Department has reviewed the application as submitted and has advised that the proposal does not meet the minimum requirements of the proposed "DE-2" District with respect to yards, floor area Ratio (i.e max. gross floor area), and landscape area parking space dimensions, loading space requirements, etc. (see Appendix "C"). **It should be noted that their comments are based upon the current property boundaries and do not consider future road widenings.**

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan in that adequate, landscaping and buffering, and maintenance of street landscaping will not provided. However, if the application is approved, an Official Plan Amendment is not required.

2. The application does not conflict with the intent of the approved Beasley Neighbourhood Plan which designates the lands "Low Density Apartments/Stacked Townhouses".

3. As noted above, road widenings and daylight triangles are required on both Wellington and Wilson Street, which will reduce the lot length from 31.5 m (103.37 ft.) to 29.95 m (98.26 ft), the width from 24.68 m (81.0 ft.) to 21.61 m (70.89 ft.) and the lot area from 778.0 m^2 (8,373.0 S.F.) to 634.0 m (6,824.5 S.F.). Consequently, the buildable area would be substantially reduced.

   The proposal, as submitted, cannot be supported for the following reasons:

   i) The proposal represents an over intensification of land use in that the lot area is too small for the twelve (12) unit apartment building (approx. 700 S.F.[65.0 m^2] per unit) 1.23 x lot area is proposed whereas 0.9 x lot area is permitted; the landscape area is only 15 % of the lot area whereas 25 % of the lot area is required; and the building does not meet the front, side, and rear yard setbacks;

      The following is a breakdown of the development details assuming the road widenings are taken and minimum by-law requirements applied:-

      • Gross Floor Area - Proposed - 780.0 m^2 (8,400 S.F.) approx., 1.23 x lot area;

      - Permitted - 570.60 m^2 (6,142.8 S.F.), 0.9 x lot area;

      • Landscape Area - Proposed - 95.5 m^2, 15 % of the lot area;

      - Required - 158.5 m^2, 25% of the lot area;

      • Front Yard (Wellington Street) - 0.0 m whereas 3.35 m is required;

      • Side Yard (Wilson Street) - 1.075 m whereas 5.56 m is required;

      • Side Yard (West lot line) - 1.37 m whereas 5.56 m is required;

      • Rear Yard (South lot line) - 4.0 m whereas 6.35 m is required; and

   ii) The proposal does not provide adequate parking, loading and manoeuvring spaces on site which will result in negative spill-over effects within the road allowance (i.e. the parking spaces are 5.5 m in length whereas 6.0 m is required, the proposed access and internal driveway is not adequate to allow single unit trucks to access the proposed loading area or garbage room and does not provide sufficient manoeuvring for passenger vehicles to exit the parking area and turn into the driveway at the south end of the building); and,

iii) Approval of the application may encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law;

Although, the Planning and Development Department is supportive of initiatives in the downtown, the site should ideally be consolidated with the lands to the west to make the most use of the lands. In comparison, the site (i.e. 81 feet by 103 feet) is equivalent to two single-family dwelling lots. Therefore, a more appropriate use for the subject land would be stacked townhouses fronting on Wilson Street.

4. It should be noted that By-law 97-015 was passed on January 28, 1997, to temporarily eliminate parking and loading requirements for new residential uses (except residential care and short term care facilities) established between November 1, 1996 and September 1, 1999 in the downtown area. Accordingly, parking and loading spaces are not required for the site.

However, the applicant wishes to provide parking for the building. In this regard the parking arrangement on site must be functional.

5. Should the Committee wish to approve the application as submitted or amended, the following actions should be taken:-

a) The application should be tabled at this time and the reduction in the Region's road widening policy be referred to the Region's Transportation Services Committee and Council for their consideration. Subsequently, the appropriate built form (i.e. access driveways and yards) could be established; and,

b) The applicant will be required to submit a Rental Housing Protection Act application since the demolition will remove nine (9) rental units from the housing stock.

CONCLUSION:

Based on the foregoing, the application cannot be supported.

JL/jl

WPZAC9706

BUILDING DEPARTMENT
71 Main Street West, Hamilton, Ontario L8N 3T4
Telephone (905) 546-2720 / Fax (905) 546-2764

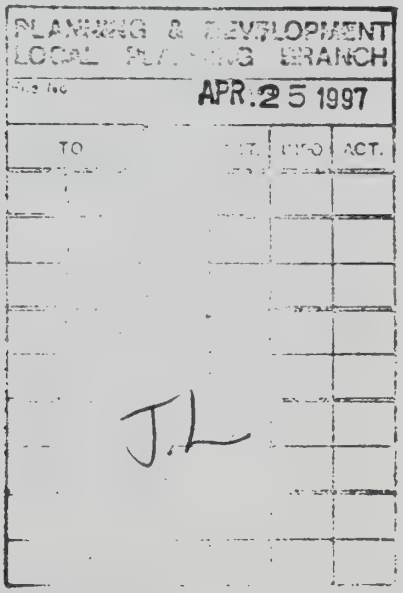
City of HAMILTON

FILE: ZAC-97-06
ATTENTION OF: Frank Peter
TELEPHONE NO: (905) 546-2781

1997 April 22

MAP NUMBER: E-4

PROPOSED ZONING: DE-2 Modified



Mr. V. J. Abraham, M.C.I.P.
Director
Planning and Development Department
c/o Chief Administrative Office

Attention: A.J. Lakatos

Dear Sir:

RE: ZAC-97-06
87 - 95 WELLINGTON STREET NORTH
and 216 WILSON STREET

The above, under cover of your letter dated March 24, 1997, has been examined.

COMMENTS:

1. The proposed development is subject to the following requires.
   Note: * denotes ***"does not comply"***.

   A. Height 8 storey/26.0m

   B. Yards (front yard is Wellington Street)

Front	3.35m *
Side (Wilson Street)	5.56m *
Side (west)	5.56m *
Rear	6.35m *

Continued on Page Two .....

APPENDIX C

1.	C.	Intensity of Use	Minimum lot width - 21.0m Minimum lot area - 630m^2 Actual lot area - 777.98m^2
	D.	Floor Area Ratio Gross Floor Area Proposed	0.9m = 700.02m^2 * Not Indicated
	E.	Landscaped Area	25% = 194.5m^2
	F.	Parking Spaces	10 - 2.7m x 6.0m *
	G.	Loading Spaces (with manoeuvring)	1 - 9.0m x 3.7m x 4.3m *

2. The proposed wall sign is not permitted.

3. The egress drive is not the minimum required 3.0m in width.

4. The maximum 14'-0" clearance sign does not allow for the minimum required 4.3m (14'-2") high loading space.

5. The required loading space does not permit commercial motor vehicles to move readily and without hinderance between the loading space and the access drive.

6. Lands located to the west are designated for multiple residential. Consideration may be taken for the following:

   a) require the parking area to be 1.5m from the adjoining L-mr-2 District to the west,

   b) require a 1.5m landscaped area between the parking area and the adjoining L-mr-2 District to the west,

   c) require a visual barrier along the lot line adjoining the L-mr-2 District.

7. If the daylight triangle is dedicated to the road allowance, further reductions in lot area, landscaping and yards will be affected.

8. A 10' high chain link fence is not permitted.

Continued on Page Three .....

9. Demolition permits are required to be obtained for each of the residential units. Please note that this property is subject to:

   a) Rental Housing and Protection Act clearance,

   b) Planning and Development and Council approval,

   c) Demolition Control in the Central Area.

Yours truly

for the Building Commissioner

FP/zr

REGIONAL ENVIRONMENT DEPARTMENT

MEMORANDUM

MAY 27 1997

****

TO: V.J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

YOUR FILE: ZAC-97-06

FROM: E. P. Chajka, P. Eng.
Manager Development Engineering Section
Regional Environment Department

OUR FILE: E220-0203

PHONE: (905) 546-2809

SUBJECT: **Zoning Application 97-06 for a Change in Zoning from "L-mr-2" (Planned Development - Multiple Residential) District to "DE-2" (Multiple Dwellings) District Modified for 87-95 Wellington Street North and 216 Wilson Street**

DATE: 1997 May 22

There are public watermains and combined storm and sanitary sewers available to service the subject lands.

The following comments were received from the Regional Transportation Department, Roads Division.

(1) The designated road allowance width of Wilson Street is 26.21 m. Specific survey plans for Wilson Street indicate that a 3.08 m road widening is required adjacent to the subject lands. As the applicant is aware, Wilson Street, west of the subject lands, bends to the south to match the existing offset in the pavement and right-of-way of Wilson Street, on the east side of Wellington Street. This offset in the Wilson Street right-of-way to the south, east of Wellington Street has resulted in a reduced municipal sidewalk width and reduced traffic lane widths on Wilson Street. In order to construct our standard pavement cross section with a minimum 2.1 m combined walk and curb, we will require a road allowance widening on the south side of Wilson Street. However, we have previously agreed with the applicant/owner to reduce the original required road allowance widening from 3.08 m to 2.0 m along the entire frontage of the subject lands.

As a condition of development approval, we recommend that a strip of land 2.0 m in width, along the entire frontage on Wilson Street, be dedicated to the Region for road widening purposes. All setbacks are to be taken from the widened limits of Wilson Street.

Cont'd...

APPENDIX B

Zoning Application 97-06 for a Change in Zoning from "L-mr-2" (Planned Development - Multiple Residential) District to "DE-2" (Multiple Dwellings) District Modified for 87-95 Wellington Street North and 216 Wilson Street (cont'd)

(2) The designated road allowance width of Wellington Street is 26.21 m. In accordance with this designation, we recommend as a condition of development approval that a strip of land 3.048 m in width be dedicated to the Region for road widening purposes. Based on previous widenings acquired on the west side of Wellington Street, north and south of the subject property and the fact that Wellington Street functions as a strategic link in the Regional road system, we cannot support a reduction in the road allowance widening on Wellington Street, adjacent to the subject lands.

All setbacks are to be taken from the widened limits of Wellington Street.

(3) The specific road widening plans also designate 6.096 m by 6.096 m daylight triangle for road widening purposes at the intersection of Wellington Street and Wilson Street taken from the widened road allowance limits. Since Wellington Street and Wilson Street are both one-way streets, we can support a reduction in the daylight triangle from 6.096 m by 6.096 m to 3.048 m by 3.048 m.

As a condition of development approval, we recommend that a 3.048 m by 3.048 m daylight triangle, taken from the widened limits of Wellington Street and Wilson Street, be dedicated to the Region for road widening purposes.

All setbacks are to be taken from the widened limits of the daylight triangle.

(4) We have reviewed the revised site plan submitted to this Office on March 24, 1997 and provide the following comments:

i) The road widenings specified in Items 1, 2 and 3 above have not been shown correctly on the revised plan. Further, the applicant/owner has requested on a number of occasions that the requirement for the dedication of the road widenings be waived. Should the applicant still request that Region's road widening requirements be waived, we recommend that this application be tabled at this time and that the reduction in the Region's road widening policy be referred to the Region's Transportation Services Committee and Council for their consideration.

Cont'd...

Zoning Application 97-06 for a Change in Zoning from "L-mr-2" (Planned Development - Multiple Residential) District to "DE-2" (Multiple Dwellings) District Modified for 87-95 Wellington Street North and 216 Wilson Street (cont'd)

With respect to the plan submitted, the corner of the proposed building is located within the proposed daylight triangle and the site plan must be amended and the building deleted in this area.

ii) The proposed exit and entrance signs are to be located on private property to the satisfaction of the City of Hamilton Department of Public Works and Traffic.

iii) The proposed doorway adjacent to Wellington Street is not to swing onto the Wellington Street road allowance, as widened, and the plans must be amended accordingly.

iv) The existing/proposed fences should be set back 5 m (minimum 3 m) from the widened limits of Wellington Street and Wilson Street.

v) We recommend that minimum 3 m by 3 m daylight visibility triangles be established between the vehicle exit to Wellington Street and the widened road allowance limits of Wellington Street.

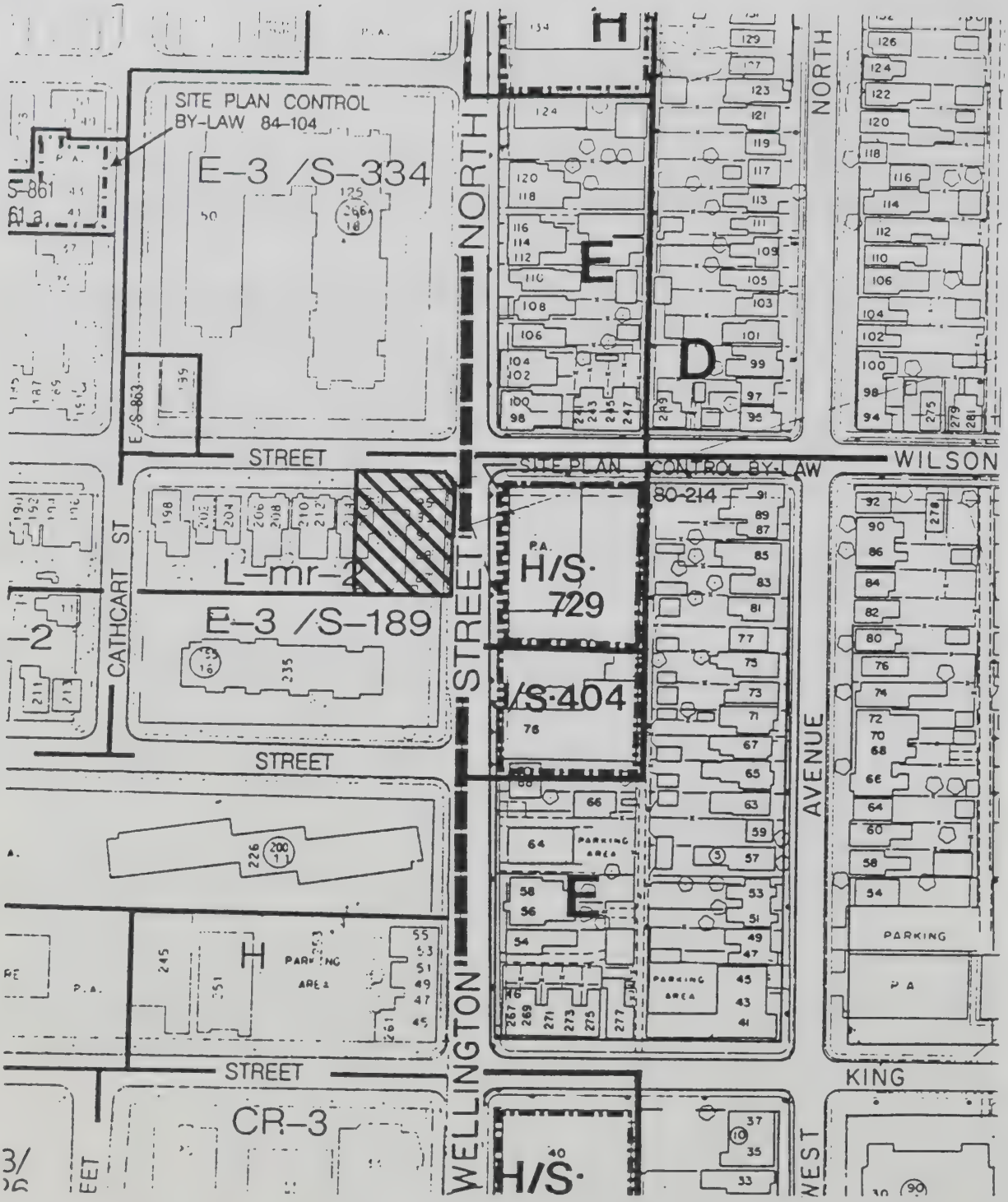
(5) We recommend that the subject lands be developed through site plan control at which time more detailed comments on grading, landscaping, fencing, etc. will be submitted.

Based on the above comments, and the level of development proposed on these lands, we recommend that the applicant/owner consider approaching the adjacent owners of lands in order that land assembly can occur and that the development of the assembled lands can address the concerns and requirements of this Department.

Eugene P. Chajka, P. Eng.
Manager-Development Engineering Section

DWW/HG

cc: R. Karl, City of Hamilton Public Works and Traffic



Legend

Change in zoning:

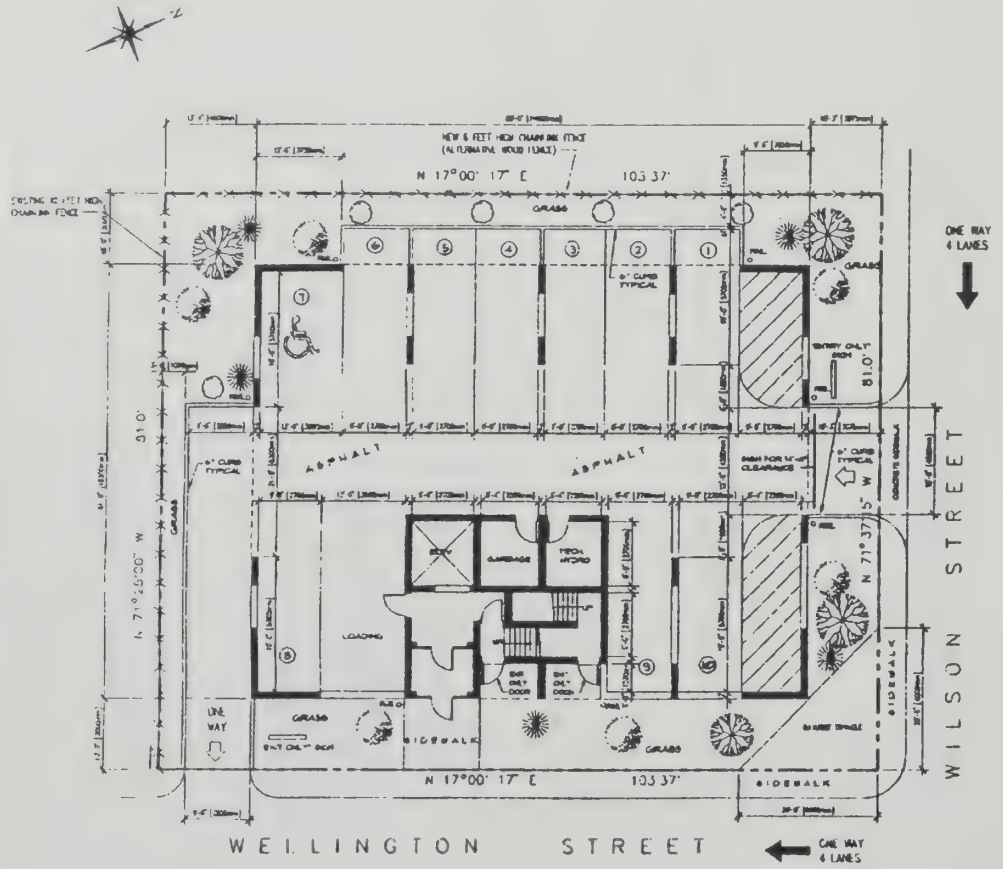
From: "L - Mr - 2" (Planned Development)
Multiple Residential
To: "DE - 2" (Multiple Dwellings) District, Modified

ZAC-97-06

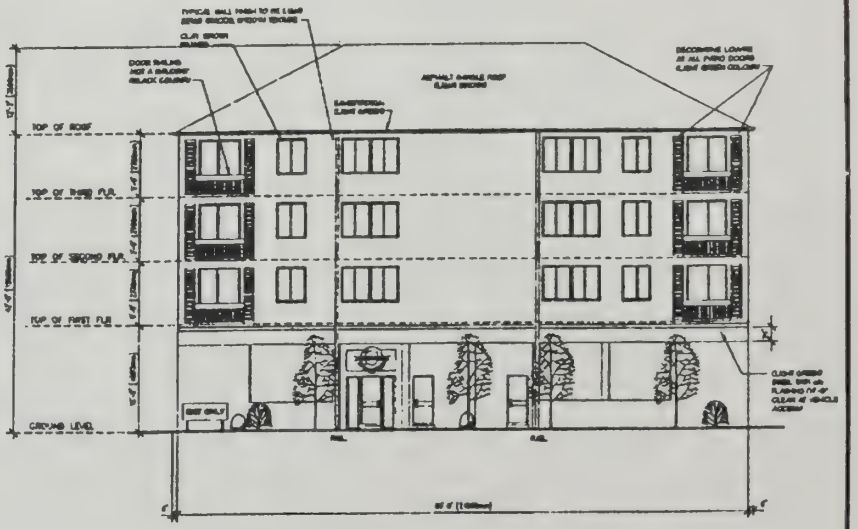
APPENDIX A

12 UNIT APARTMENT
4 - STOREY

	AREA	
LOT	8373 ft² (778 m²)	100%
OVERHEAD BUILDING COVERAGE	4880 ft² (454 m²)	61%
AT GRADE BUILDING COVERAGE	660 ft² (61 m²)	8%
LANDSCAPING	2808 ft² (251 m²)	33%
PAVED	4905 ft² (456 m²)	59%
PARKING (.5/UNIT REQUIRED)	(10 required) 10 Provided	



SITE PLAN
SCALE: 1/8" = 1'-0"



EAST
ELEVATION
SCALE: 1/8" = 1'-0"

VALLY PLACE CONDOMINIUMS

APPENDIX D

2

CITY OF HAMILTON

- RECOMMENDATION -

JUN 1 1 1997

DATE: 1997 June 9
ZAC-97-16
Inch Park Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P.
Director, Regional Planning Division

SUBJECT: Request for a modification in zoning - 661 Upper Wellington Street

RECOMMENDATION:

That approval be given Zoning Application ZAC-97-16, 1104020 Ontario Inc.(D. and G. Ciarmella), owner, requesting a modification to the "C" (Urban Protected Residential, etc.) District to permit the development of one semi-detached two family dwelling unit, for property located at No. 661 Upper Wellington Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) The "C" (Urban Protected Residential, etc.) District, as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands be further modified to include the following variances as special requirements:

(1) That notwithstanding Subsections 9(1) and (3), one semi-detached two family dwelling with a minimum lot frontage of 17.11 m and minimum lot area of 534 m^2 shall be permitted; and,

(2) Where a dwelling is constructed with an attached garage, then the finished level of the garage floor shall be a minimum of 0.3 metres above grade.

(ii) The amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S- , and that the subject lands on zoning District Map E-16 be notated S- ;

(iii) That the City Solicitor be directed to prepare a By-law to amend zoning by-law No. 6593 and Zoning District Map E-16 for presentation to City Council; and,

(iv) That the proposed changes are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide a modification to the established "C" (Urban Protected Residential, etc.) District regulations for lands located at 661 Upper Wellington Street, as shown on the attached map.

The effect of the By-law is to permit the construction of one semi-detached two family dwelling with the following variances:

- a minimum lot width of 17.11 m and a minimum lot area of 534 m^2, whereas a minimum lot width of 18.0 m and a minimum lot area of 540 m^2 is required for semi-detached two family dwellings; and,

- require a dwelling with an attached garage with the finished level of the garage floor be a minimum of 0.3 metres above grade.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is proposing to develop the subject lands for one semi-detached two family dwelling unit. The subject lands are zoned "C" (Urban Protected Residential, etc.) District which does not permit semi-detached dwellings. Further the lot area is smaller than would normally be required for a semi-detached dwelling.

APPLICANTS:

1104020 Ontario Inc. (D. and G. Ciaramella) owners.

LOT SIZE AND AREA:

The subject lands have:

- a frontage of 17.11 m (56.14 feet);
- a depth of 31.02 m (101.77 feet); and,
- a lot area of 534 m^2 (5748.12 $feet^2$).

LAND USE AND ZONING:

	Land Use	Zoning
Subject lands	Vacant	"C" (Urban Protected Residential, etc.) District
Surrounding lands:		
to the north, east and west	Single Family Dwellings	"C" (Urban Protected Residential, etc.) District
to the south	Former Onteora Public School	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "Residential" on Schedule 'A' - Land Use Concept. The following policies, amongst others, apply:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be

available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

i) Encourage the maintenance, renovation and rehabilitation of RESIDENTIAL properties, subject to the provisions of Subsection C.5;

iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that is consistent and complements the established development pattern;

ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;"

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are located in the Inch Park Neighbourhood. There is no approved Neighbourhood Plan.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority and Union Gas have no comment or objection.

- The Building Department advises:

"1. The proposed use of a semi-detached two family dwelling is not permitted in a "C" District.

2. In a "D" District which permits a two family dwelling, the minimum lot width of 18.0 m and a lot area of 540 m^2 is required. The lot width and area of the lot does not conform to these requirements."

- The Public Works and Traffic Department advises:

  "In general, we do not support the development of single family residential on arterial roads, in particular, those developments that propose less than 12.0 m frontages. This proposal provides lots within 8.5 m frontages. However, since this application is an isolated case and involves infill development containing only two units, we do not object to the proposal. Should the Committee approve the modification, we recommend that as a condition of approval, the elevation of the required parking for each unit be a minimum of .25 of a metre above the centreline of Upper Wellington Street and the slope of the driveways on private property not exceed 7%. This information should be shown on the required lot grading plan."

- The Regional Environment Department advises:

  "...there are public watermains and separate storm and sanitary sewers available to service the subject lands.

  The Region's Transportation Department, Roads Division have the following comments:

  1. According to our records, the Region previously acquired the required road allowance widenings from the subject lands to construct the channelization and widening of Upper Wellington Street north and south of Fennell Avenue. Therefore, we do not anticipate any further road allowance widenings at this time.

  2. Should this application be approved, we recommend that the development of these lands be subject to the submission of a lot grading plan to the satisfaction of the Regional Environment Department. This grading plan will determine the elevation of the garage floor/required parking space and also ensure that the front yard grading of these lots provides motorists with adequate visibility entering the Upper Wellington Street road allowance.

  3. In the absence of any other details shown, we advise that any works which may occur within the Upper Wellington Street road allowance, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law."

COMMENTS:

1. The proposal complies with the Official Plan.

2. The proposal has merit and can be supported on the following basis:

   - it complies with the Official Plan;

   - it is appropriate infill development in that the semi-detached dwelling would be

similar in lot frontage and size to the adjacent single family dwellings to the north, east and west;

- the proposed lot width of 17.11 m and lot area of 534 m^2 are only slightly smaller then the normal requirements for semi-detached dwelling lots of a minimum width of 18.0 m and lot area of 540 m^2.

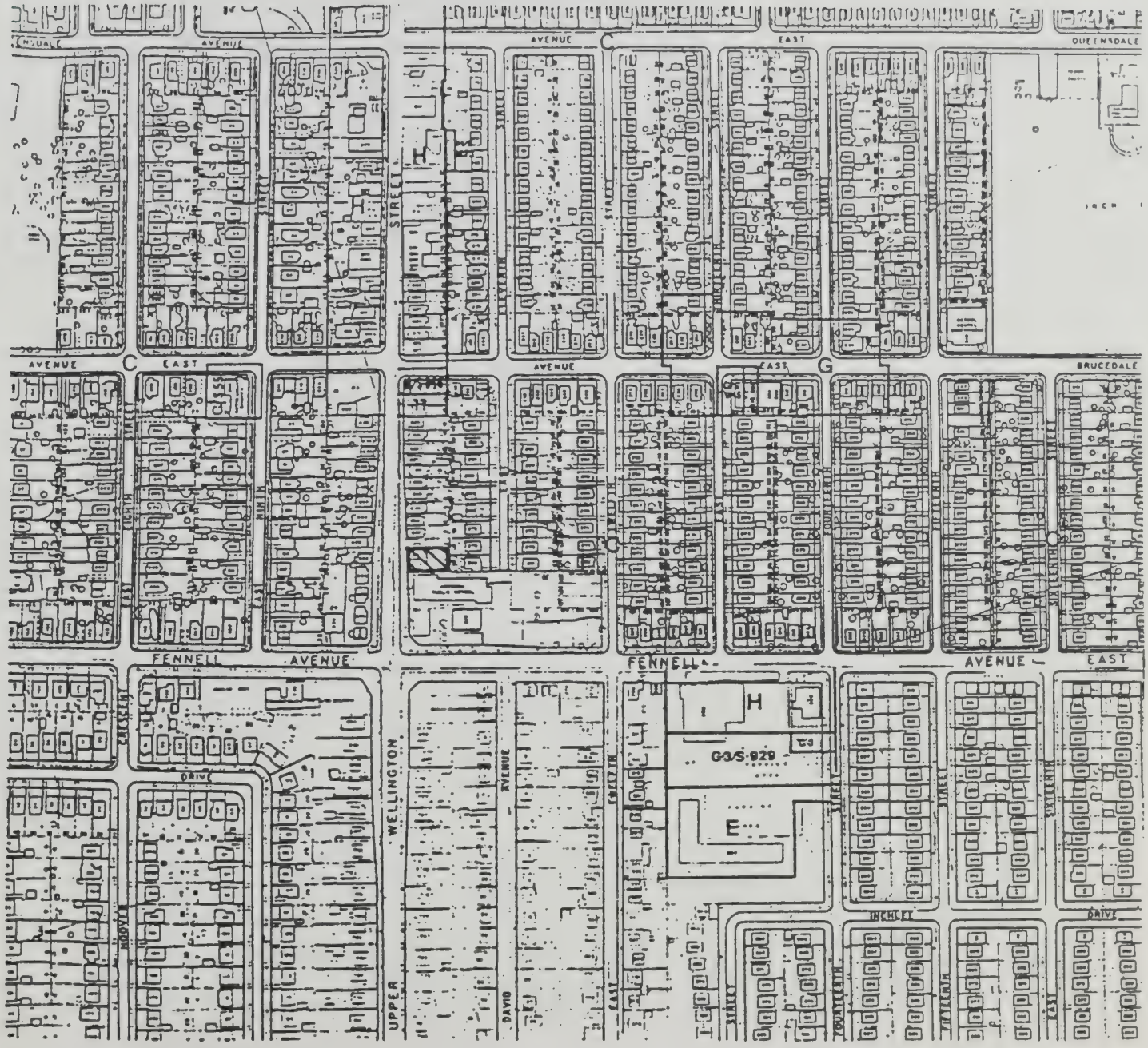
3. The Regional Environment Department and the Public Works and Traffic Department have requested a grading be submitted to ensure that the front yard grading on these lots provides motorists with adequate visibility entering Upper Wellington Street road allowance.

   This issue was first raised and discussed thoroughly with both these Departments and the Building Department prior to the passage of the "monster home" by-law. The City recently passed By-law No. 97-112 for parking standards for single family dwellings in which a general text amendment will be introduced to specifically address this issue. Since the by-law may not be in effect at the time this application is considered, then a specific provision should be introduced in the amending by-law.

CONCLUSION:

Based on the foregoing, the subject application can be supported.

CLF/
ZAC-97-16



APPENDIX A

Legend

Site of the Application

ZAC-97-16

3

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 June 9 JUN 1 1 1997
ZAR-97-15
Strathcona Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning - Lands located on the north side of Barton Street West, east of Crooks Street.

RECOMMENDATION:

(a) That approval be given to Zoning Application 97-15, Kimshaw Holdings Limited, applicant, for a change in zoning from "K" (Heavy Industry. etc.) District to "L-mr-1" (Planned Development - Multiple Residential) District, to permit future development for multiple-family residential development, for lands located on the north side of Barton Street West, east of Crooks Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the subject lands be rezoned from "K" (Heavy Industry, etc.) District to "L-mr-1" (Planned Development - Multiple Residential) District;

ii) That the Director of Planning and Development be directed to prepare a by-law, in a form satisfactory to the City Solicitor, to amend Zoning By-law No. 6593 and Zoning District Map W-11 for presentation to City Council; and,

iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a change in zoning from "K" (Heavy Industry, etc.) District to "L-mr-1" (Planned Development - Multiple Residential) District, for lands located on

the north side of Barton Street West, east of Crooks Street, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to establish a holding zone for future multiple residential development. Prior to development of the subject lands, a further rezoning application will be required to rezone the subject lands to one or more of the following zones:

- "RT-10" (Townhouse) District
- "RT-20" (Townhouse - Maisonette) District
- "RT-30" (Street Townhouse) District
- "DE" (Low Density Multiple Dwellings) District
- "DE-2" (Multiple Dwellings) District
- "DE-3 (Multiple Dwellings) District
- "E-2" (Multiple Dwellings) District

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The subject lands, located on the north side of Barton Street West, east of Crooks Street, as shown on the attached map marked as APPENDIX "A", are currently owned by the Canadian National Railway company (CN) and a portion of the lands was previously used for a service station. The service station use has been removed and the lands are currently vacant. The proposal is to rezone the subject lands from "K" (Heavy Industry) District to "L-mr-1" (Planned Development - Multiple Residential) District. The rezoning would establish a holding zone for future multiple residential development. No development can occur under the "L-mr-1" (Planned Development - Multiple Residential) District.

The intent is to develop the lands for some form of low to medium density multiple dwelling residential use (eg. for townhouses, stacked townhouses, or low density apartments). However, the applicant has not determined the exact form of housing proposed for the site, but he must complete a rezoning to fulfil a condition of land severance. Therefore, upon discussions with Planning and Development Department staff,

the applicant decided to apply for the "L-mr-1" zone. Once a detailed proposal is made, a further rezoning application can be made for the appropriate residential zone.

- Land Severance Application H-73-95

On August 15, 1995, the Regional Land Division Committee considered an application by CN to sever a 1.35 ha parcel of land, including the subject lands, from the main railway holdings. The application indicated the proposed use of the lands was "residential/open space". No specific proposal was given. In addition, the lands are included in the West Harbourfront Development study area, which identifies the lands for multiple-family residential development. The application was deferred by the Land Division Committee, to allow the applicant to review the future development of the subject lands with City staff.

- Land Severance Application B-96-8

The proposal was revised under application B-96-8, to exclude lands fronting onto Crooks Street, which are whole lots in a registered plan of subdivision, therefore, should not have been included in application H-73-95. In addition, minor changes were made to the northerly boundary of the lands to be conveyed, as shown on the attached map marked as APPENDIX "A". The result of the revisions would be the severance of the subject lands, 0.98 ha in area, from the larger railway holdings of CN to the north and east. The revised application stated that there was no intended use for the subject lands. However, the applicant verbally advised Planning and Development staff that the intent of the potential purchaser was to develop the lands for residential purposes.

Since, the lands to be severed are designated for "Residential" use in the City's Official Plan, the Planning and Development Department recommended approval of the severance application on the condition that: *"the applicant and/or future purchaser receive final approval of a Zoning By-law amendment, which rezones the severed lands from "K" (Heavy Industry) District to an appropriate residential zoning district"*. On November 6, 1996, the Committee of Adjustment gave conditional approval to the application. Condition no. 2) requires:

> *"The applicant or purchaser obtain final approval of a Zoning By-law amendment which rezones the severed lands to the satisfaction of the City Planning and Development Committee and Council."*

On December 2, 1996, the applicant appealed the decision of the Committee of Adjustment to the Ontario Municipal Board (OMB). The applicant objected to condition no. 2), since they felt a rezoning application was an unreasonable condition and could not be processed and completed within the one year statutory time limit.

However, on April 11, 1997, Kimshaw Holdings Limited, a prospective purchaser of the subject lands, with authorization from CN, submitted rezoning application ZAR-97-15. Should this rezoning be finalized, condition no. 2) would be fulfilled. The City subsequently received notice that a date for the OMB hearing was set for May 28, 1997. On May, 13, 1997, City Council authorized staff to seek an adjournment, since zoning application ZAR-97-15 had been submitted and could be processed in sufficient time to fulfil condition no. 2). Council also authorized staff to attend a hearing, if an adjournment was denied, and to inform the OMB that Council consents to the amendment of condition 2)., to read as follows:

> *"Rezoning of the subject lands from "K" (Heavy Industry, etc.) District to "L-mr-1" (Planned Development-Residential) District."*

This wording is more consistent with Planning and Development Department staff's recommendation and reflects zoning application ZAR-97-15. On May 22, 1997, notice was given that the OMB has granted the adjournment. If zoning application ZAR-97-15 is finalized, a hearing will not be necessary for the severance application.

APPLICANT:

Kimshaw Holdings Limited, prospective purchaser.

LOT SIZE AND AREA:

The subject lands are irregular in shape and have:

- 123 m (406.9 ft.) of lot frontage on Barton Street West;
- 88 m (290 ft.) of lot depth; and,
- 0.972 ha (2.426 acres) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"K" (Heavy Industry, etc.) District
Surrounding Lands		
To the north	industrial and utilities (railway lands)	"K" (Heavy Industry, etc.) District

To the south	single-family dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District
To the east	industrial	"K" (Heavy Industry, etc.) District
To the west	vacant lands, single and two-family dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District

OFFICIAL PLAN:

The subject lands are designated Residential on Schedule "A" - Land Use Concept of the Official Plan. The proposal complies with the land use designation. The existing industrial zoning on the subject lands is "non-complying" with respect to the Official Plan, and the following policy should be noted:

"A.3.3.1 It is the intent of Council that any existing land use which does not comply with the land use designations shown on Schedule "A" or their related policies should cease to exist over time. Accordingly, such uses will be deemed to be NON-COMPLYING and will be, or remain, zoned for the intended use so that the affected lands may convert to the use intended by this Plan."

The proposal also complies with policy A.3.3.1, in that the non-complying "K" (Heavy Industry, etc.) District zoning, which would permit a range of non-complying uses, would be rezoned for the intended use, residential.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Park and Recreation" and "Open Space" by the Approved Strathcona Neighbourhood Plan. Residential development will require an amendment to the Approved Neighbourhood Plan. However, since the exact density and form of housing would not be determined until a future rezoning application is made, it is not appropriate to amend the Neighbourhood Plan until a future rezoning application is approved.

COMMENTS RECEIVED:

- The Traffic Department has advised that:

  "It should be noted that at the time of the severance application, B96:8, the Roads Department provided comments related to the location of the futures access to the subject

lands. We suggest that the applicant contact Mr. H. Groen, Development Co-ordinator of the Regional Roads Department at 546-4278 during the development of any subsequent site plan regarding the future access restrictions."

- The Regional Environment and Transportation Departments have advised that:

"1. The existing road allowance width of Barton Street is 20.12m. Therefore we do not anticipate any further road allowance widenings at this time.

2. According to our records, Crooks Street does not extend north of "Lot 17" on Registered Plan No. 206. Therefore Part 1 on the plan submitted, which are lands to be rezoned, does not have frontage on Crooks Street.

3. We have reviewed this application on the basis that only Part 1 on the draft reference plans prepared by A.T. McLaren Ltd. with a frontage of 123.7m of frontage on Barton Street are lands to be rezoned and development. As the applicant may be aware, there is a vertical crest curve on Barton Street immediately east of the subject lands. As a result motorists sight lines entering Barton Street from the subject lands are limited and the locations of the access points to Barton Street will be restricted to certain areas likely at the east side or west side of the property.

   Prior to the submission of site and/or development concept plans, we recommend that the applicant/owner meet with our staff to determine the best location for the accesses, etc.

4. In the absence of any other details shown, we advise that any works which may occur within the Barton Street road allowance must conform to the City of Hamilton Streets By-law.

5. According to our records, it appears that the subject lands may be located within the City of Hamilton's proposed West Harbour Front Park Area and comments from the respective City of Hamilton Departments on this issue should be considered."

- The Planning Division of the Regional Environment Department has advised that:

"**Regional Comments:** The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan (H.W.O.P.).

The subject lands previously contained a service station, where high potential exists of site contamination. The application does not indicate whether this site is, or is not contaminated, and/or whether site remediation may be necessary. Since residential

development is proposed in the future for this site, the proposal must conform to Policy B-2.3 "Contaminated Site Remediation", of the H.W.O.P. (Policies attached).

Provincial Comments: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. Since subject lands contained a former service (gas) station, which is considered to have high potential for having site contamination, the application requires further demonstration of how it has regard for the PPS.

Provided it has been demonstrated that remediation (i.e. decommissioning) of the site is required and/or has occurred, or proven not necessary, in accordance with the Ministry of Environment & Energy's "Guideline For Use At Contaminated Sites In Ontario", to the satisfaction of the affected agencies, the application would have sufficient regard for the following applicable policy:

3	PUBLIC HEALTH AND SAFETY
3.2	Human-made Hazards
3.2.2	Contaminated sites will be restored as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect.

Therefore, approval of a rezoning to permit residential development on the subject lands should be conditional upon the following:

> That the owner demonstrate that the site is not contaminated and that remediation/cleanup has occurred or may be required in accordance with the "Guidelines for use at Contaminated Sites in Ontario - June 1996", to the satisfaction of the Regional Environment Department."

- The Hamilton Region Conservation Authority and Building Department have no comments or objections.

COMMENTS:

1. The proposal would comply with the intent of the Official Plan.

2. The proposal would not comply with the Approved Strathcona Neighbourhood Plan, however, an amendment should not be processed at this time.

3. The application has merit and can be supported on the following basis:

- It implements the intent of the Official Plan, in that the existing non-conforming heavy industrial zoning will be changed to a residential holding zone, which conforms with the "Residential" designation.

- The future residential uses would be compatible with residential uses to the west and south.

- Multiple-family residential uses (such as townhouses, stacked townhouses, low density apartments) would be suitable at this location, since the subject lands are located at the periphery of the residential area. A multiple-family residential use would act as a buffer or transitional use between the lower density residential area to the south and east and the utility/industrial uses to the north and west. The lands are also located in close proximity to parks and open space (eg. Dundurn Park), commercial facilities and public transit.

- The larger CN railway holdings and industrial uses located to the north and east are at a significantly lower elevation than the subject lands. The grade difference provides a natural separation between the rail lands and industrial uses to the north and east of the subject lands and the established residential neighbourhood to the west and south. Therefore, it is appropriate that the subject lands, at the top of the bank, be used for residential purposes and become part of the "residential" neighbourhood.

- The rezoning would fulfil a condition of land severance application B-96-8, approved by the Committee of Adjustment on November 6, 1996.

4. The "L-mr-1" (Planned Development - Multiple Residential) District is a holding zone and will not permit development to occur. Only the existing use, which is vacant land, would be permitted until a future application for rezoning is made and an implementing Zoning By-law passed by Council. The "L-mr-1" District can be rezoned to one or more of the following Districts:

- "RT-10" (Townhouse) District
- "RT-20" (Townhouse - Maisonette) District
- "RT-30" (Street Townhouse) District
- "DE" (Low Density Multiple Dwellings) District
- "DE-2" (Multiple Dwellings) District
- "DE-3 (Multiple Dwellings) District
- "E-2" (Multiple Dwellings) District

5. Since the former use of the subject lands was a service station, the subject lands are considered to have a high potential for soil contamination. Accordingly, in accordance with provincial guidelines for contaminated sites, the Regional Environment Department, Planning Division, recommends the following condition:

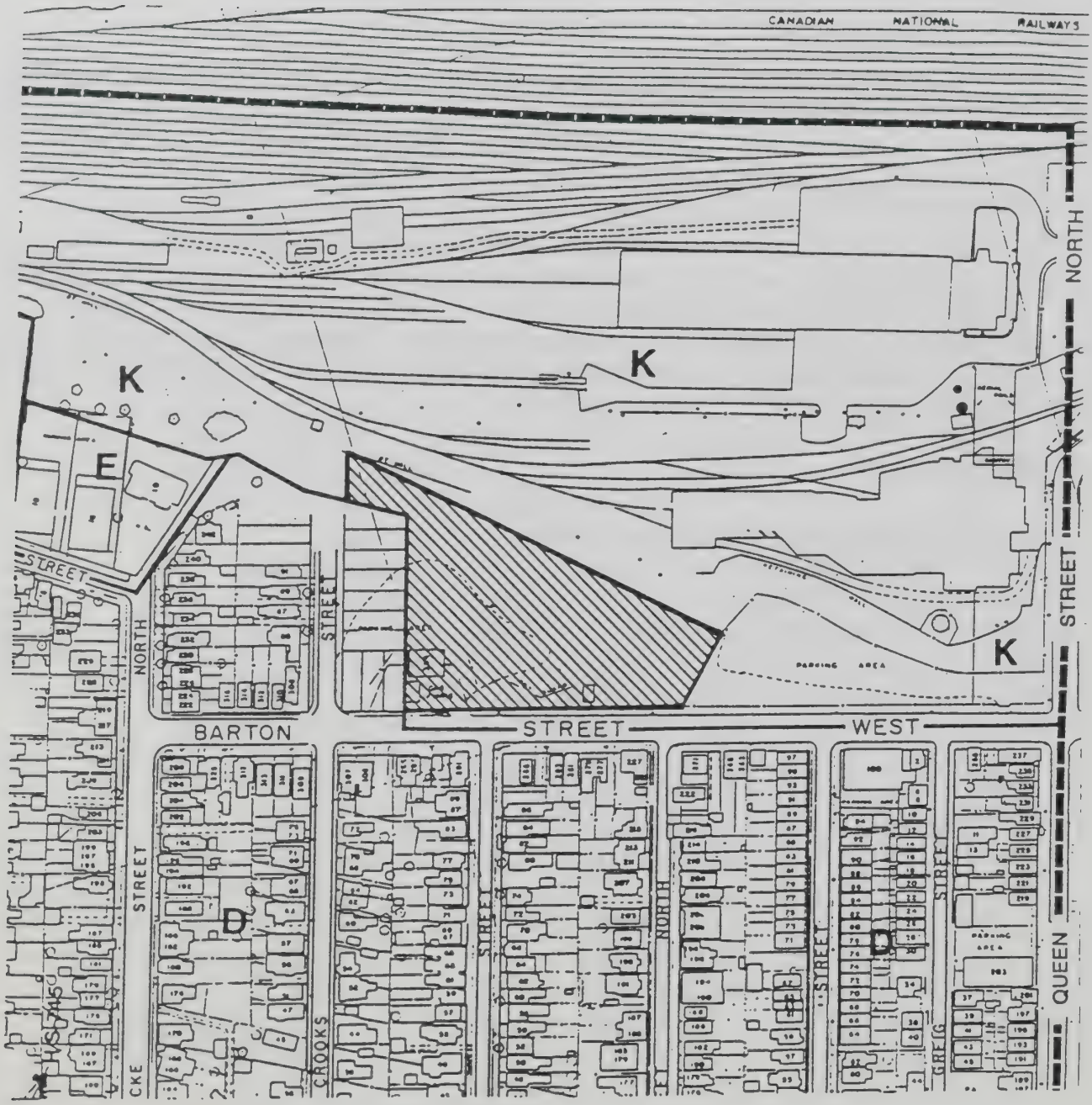
"That the owner demonstrate that the site is not contaminated and that remediation/cleanup has occurred or may be required in accordance with the "Guidelines for use at Contaminated Sites in Ontario - June 1996", to the satisfaction of the Regional Environment Department."

This application is for a holding zone only, which will not permit development. The applicant should be advised that when a future application is made for a residential zone, they will be required to submit proof that remediation/cleanup has occurred, to the satisfaction of the Regional Environment Department. If such proof is not submitted with the second rezoning application, this requirement should be made a condition of the future rezoning application.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

CL-M



Legend

Site of the Application

ZAR-97-15

APPENDIX "A"

4.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 June 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: Downtown Hamilton Community Improvement Plan

RECOMMENDATION:

a) That the Downtown Hamilton Community Improvement Plan attached as Appendix 'A' be adopted, in order to implement initiatives such as the Gore Heritage 2000 Program, the Hamilton Downtown Convert/Renovate-to-Rent Loan Program, as well as the refund of fees as contained in the Plan; and,

b) That the Downtown Hamilton Community Improvement Plan be re-submitted to the Ministry of Municipal Affairs and Housing for the appropriate approval; and,

c) That the City Solicitor be authorized to prepare the requisite By-law for (b) above; and,

d) That the City Solicitor be authorized to prepare the appropriate by-law to repeal By-law #96-189 which was the by-law adopting the previously approved Downtown Hamilton Community Improvement plan.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Gore Heritage 2000 Program will be administered through the Urban Design Section of the Planning Department and the Loans Division of the Building Department. The Program is extended to property owners of property located within the Gore Area, on King Street East between James and Catharine Streets, said properties under the Ontario Heritage Act or listed on the Inventory of Buildings of Architectural and/or Historical Interest.

The Hamilton Downtown Convert/Renovate-to-Rent Loan Program will be administered by the Loans Division of the Building Department and extended to property owners of commercial buildings for conversions of vacant upper floor non-residential premises into apartments or renovations to existing apartments in commercial buildings to bring them in compliance with the Property Standards By-law and Fire Code within the Community Improvement Project Area.

The Building and Planning Departments will issue fee rebates for new residential and commercial development and redevelopment projects at the time of issuance of a building permit if issued by 1999 September 01 and the fees are paid for after 1996 August 27. This is to provide an incentive for redevelopment/development projects within the Community Improvement Project Area.

BACKGROUND:

In accordance with The Planning Act, Section 28, the City of Hamilton must designate a Community Improvement Project Area (C.I.P.A.) and create a corresponding Community Improvement Plan (C.I.P.) in order to offer loans and grants to property owners and refund zoning, building permit, site plan and parkland dedication fees. The Downtown Hamilton C.I.P.A., bounded northerly by Cannon Street, southerly by Hunter Street, westerly by Queen Street and easterly by Victoria Avenue, received City Council approval at its meeting held 1996 October 29 and is designated through By-law Number 96-188.

The Downtown Hamilton C.I.P.A. was previously approved by City Council at its meeting held 1996 October 29. The two public meetings that were held were well attended with representatives from the International Village businesses in the downtown, residents and interested individuals. Generally, input received on the proposed C.I.P. at that time was favourable and encouraged the City to get on with its initiatives. Comments generally related to issues and problems regarding the Downtown, not with the purpose and intent of the Plan.

Following City Council approval of the Plan, staff from the Ministry of Municipal Affairs and Housing requested a meeting with the appropriate staff from the City of Hamilton to discuss changes to the process for approval of Community Improvement Plans with the introduction of Bill 20. Ministry staff were contacting a number of municipalities at that time, who were involved with C.I.P.'s. Bill 20 dictates specific wording that must be included in notices of public meetings for C.I.P.'s. This wording was not included in the notices for the Downtown Hamilton C.I.P., however, given the process that was taken, staff requested the Ministry to approve the Plan notwithstanding the notice requirements. Staff from the Public Works and Traffic Department received a letter from Ministry staff advising that the Plan had been reviewed and approved.

As recently as 1997 May 26, a letter was forwarded from the Ministry of Municipal Affairs and Housing advising that its Legal Branch had reviewed the Downtown Hamilton C.I.P. and determined that since the proper notice was not given, the Plan would not be approved. Therefore it is necessary to hold another public meeting on the Downtown Hamilton C.I.P. including the appropriate wording in the notice. Included in the most recent Plan are specifics on the Gore Heritage 2000 Program. The administration of this program necessitates an amendment to the original Downtown Hamilton C.I.P., therefore a public meeting would have been necessary to ensure legal compliance to the Planning Act, Section 28.

DL:HM:hm
P&D.2DHCIP

c.c. Alderman V. Agro
Alderman Wm. McCulloch
P. Noé Johnson, City Solicitor, Law Department
Members of the Downtown Initiatives Committee

APPENDIX A'

DOWNTOWN HAMILTON

COMMUNITY IMPROVEMENT PLAN

1997 May 29

1. INTRODUCTION

The purpose of this Community Improvement Plan is two-fold: i) to provide the context for a co-ordinated municipal effort to improve the physical, economic and social climates of the Downtown; and ii) to meet the legislative requirements of the community improvement provisions of the Planning Act, Section 28 that allows a municipality to provide loans and grants as are stipulated in the Plan.

The initiatives identified in the Plan are intended to stimulate private investment, property maintenance and renewal in the Downtown. The focus of these initiatives, and of the Community Improvement Plan, is to foster an environment that will: increase the supply of residential units within the Downtown; ensure a viable Downtown population; encourage the provision of unique or specialized attractions and public facilities; encourage the location of community events; and, encourage public improvement such as streetscape improvements and pedestrian amenities.

The Community Improvement Plan is not intended to provide an exhaustive list of revitalization projects that may be undertaken to stimulate community improvement. The objective of the Plan is to provide a context for Downtown revitalization projects, and to guide the municipal decision-making process so that actions are undertaken that are supportive of, and instrumental in, encouraging Downtown renewal. This Plan provides a framework to better identify projects, and makes reference to many initiatives that have been previously identified for Downtown revitalization. These projects all involve many steps, and will, in some cases, require dedicated funding. Given the current economic realities, reliance on projects that will require public funding to encourage redevelopment and revitalization will not accomplish the goal of creating and maintaining a vibrant, healthy Downtown. The role of the municipality is to provide incentives and remove barriers for development. The Downtown Hamilton Community Improvement Plan can provide a context and reference point for developing specific community improvement projects, as well as identifying actions that can be undertaken in a more co-ordinated manner that will foster Downtown renewal.

Like many other municipalities across Ontario, the viability of Hamilton's downtown area has declined in recent years. Factors contributing to the decline are numerous and include the following:

- the absence of new housing developments;
- a system of traffic flows and patterns that is not as user-friendly for pedestrian and cyclists and urban street life;
- assessed property values that no longer reflect market property values;
- shifting consumer retail shopping preferences;
- the lingering economic recession and the "jobless recovery";
- consumer preferences for a suburban atmosphere or "way-of-life" as opposed to a central city ambience; and,

- minimal marketing promotion of the advantages of Downtown Hamilton to prospective businesses and potential residents;

Yet, in spite of Downtown Hamilton's recent difficulties, there is a tremendous untapped potential:

- a population base of some 26,000 residents;
- a personal Disposable household income of residents in excess of $500 million;
- slightly over 38,000 jobs located in the downtown;
- a strong entrepreneurial spirit among downtown merchants;
- a clear civic commitment from residents of downtown neighbourhoods;
- connections to the West Harbourfront Area and potential redevelopment;
- the Art Gallery of Hamilton, Central Public Library, Hamilton Place, duMaurier Centre, Copps Coliseum, Gore Park, Jackson Square, Hamilton Eaton Centre and City Hall which are all key anchors that underpin the vitality of the downtown community;
- the availability of low-cost customer parking; and,
- a stable population base and the socio-economic characteristics of downtown residents.
- high accessibility compared to some other major centres e.g. Toronto

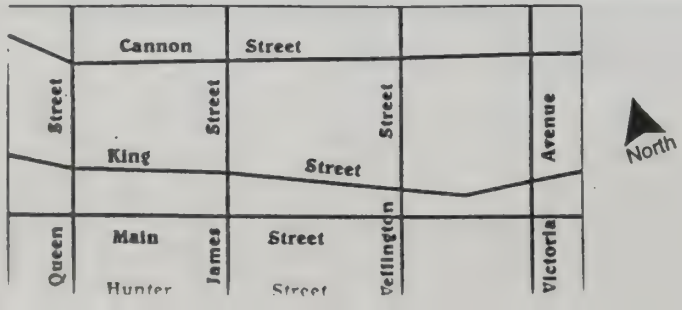
Since 1846, Downtown Hamilton has been the cultural, social and historical centre of the greater Hamilton community. In an era of "cookie-cutter" municipalities, a key strength of the City of Hamilton and the Region of Hamilton-Wentworth is its clearly identifiable City Centre - Downtown Hamilton. This area provides a unique urban ambience unparalleled in greater Hamilton. The strength and vitality of Hamilton's downtown is a clear signal of the strength and vitality of our community as a whole. The co-ordinated commitment to Hamilton's Downtown is a commitment from all citizens of Hamilton-Wentworth to the betterment of their community.

The challenges facing downtown Hamilton are challenges which face our broader community and cannot be ignored.

2. AREA OF COMMUNITY IMPROVEMENT PLAN

The Downtown Community Improvement Plan applies to the lands identified in the Downtown Community Improvement Project Area (CIPA). The CIPA is bounded northerly by Cannon Street, southerly by Hunter Street, westerly by Queen Street and easterly by Victoria Avenue (as identified in Figure 1).

*FIGURE 1.***The Downtown Community Improvement Project Area:**



3. VISION OF THE DOWNTOWN

Generally the City of Hamilton is striving to achieve the following Mission Statement:

> *"That the downtown be a community where people wish to live, work and visit".*

As such, it is important that the downtown provide the following elements:

- it is integrated, safe, and healthy;
- it links a number of communities and facilities together;
- it is easily accessible and encourages walking, stopping and parking;
- it is a community for young families, aging population, student population, professionals, knowledge workers, workers, regional functions, world class business innovators, visitors, and gentry;
- it offers destination shopping and niche marketing;
- it appeals to those looking for 'creature-comforts'; and,
- it appeals to growing trends in do-it-yourself, cottage industry, home-based businesses, arts and crafts, hobbyists, etc. (e.g. lifelong learning, wine making, gardening, culinary arts and cooking, etc.)

It has been a common theme that the ultimate objective in terms of achieving a specific result is to have more people in the downtown to spend and invest their money. By inference, if the City of Hamilton is successful in assisting in programs which bring a substantially higher number of people downtown and these people spend money and invest in downtown, it will become a viable regional centre.

The three components of the Mission Statement for the downtown should be targeted for special attention. While all three involve people, it is hoped that these three groupings form the basis of action and direction of the City of Hamilton.

a) Those People Who Live in Downtown

Much of the literature related to rejuvenation of downtown areas calls for increasing the amount of housing in the downtown area. The objective of the City in this sector will be to establish a comfortable, safe, and dynamic residential community.

Specific initiatives that have and are to be considered include:

- implementation of the Convert-to-Rent Program;
- investigate improved transit;

- initiate a marketing program to illustrate the affordability of moving in downtown Hamilton compared to locations closer to Toronto;
- investigate linkages between housing development in the downtown and access to the GO Station; and,
- fee rebates for new development and redevelopment projects, waiving the parking requirments and the 5% parkland dedication.

b) Those People Who Work Downtown

For this group of people, the ultimate objective is for them to either generate a profit in downtown or provide a specific service to those in the downtown core. Those groups who wish to generate a profit in downtown include existing businesses (retail, office, service sector, hotels), owners of existing buildings and owners of vacant land. Programs will have to be devised to enhance existing business operations and to attract new business ventures to the core.

Those who provide a service in the downtown area include: government, educational institutions, local churches, service organizations including the Social Planning & Research Council, hostels, food banks, etc.

There is a range of programs to consider for achieving these objectives. As successful programs are initiated in each of the other two sectors, (i.e. housing and visitors) those with an economic interest in downtown will benefit.

c) Those People Who Visit the Downtown

To the extent visitors can be attracted to the downtown area, additional dollars will flow to support downtown business operations. The marketing program should be targeted towards a range of visitor groupings, including those who live in the City of Hamilton and the immediate regional community, out of town visitors in Southern Ontario, the wider Provincial market and Canadian market, as well as international markets.

The intent of this exercise will be to build on the current strengths of the downtown area, develop such markets and broaden the catchment area for downtown facilities while at the same time trying to compete with distant markets to capture dollars which are currently flowing out of the community.

4. GOALS OF THE DOWNTOWN COMMUNITY IMPROVEMENT PLAN

The goals of the Downtown Hamilton Community Improvement Plan are:

a) to enhance the Downtown as a unique community and the Heart of the City and Region. The Downtown shall be a place where people are attracted to live, work and visit;

b) to encourage the preservation and enhancement of significant heritage resources;

c) to encourage and assist private property owners to rehabilitate buildings in the Downtown to ensure their long-term economic viability;

d) to focus municipal efforts that address the provision of streetscape improvements, municipal services and infrastructure; and,

e) to promote the continued development of the Downtown as the primary business, office, cultural and administrative centre for the City and Region.

5. OBJECTIVES OF THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PLAN

The objectives of the Downtown Hamilton Community Improvement Plan are:

a) to promote the long-term stability and viability of the Downtown;

b) to encourage the co-ordination of municipal expenditures and planning and development activity;

c) to stimulate private property maintenance and reinvestment activity;

d) to enhance the visual quality of the Downtown through the recognition and protection of heritage buildings;

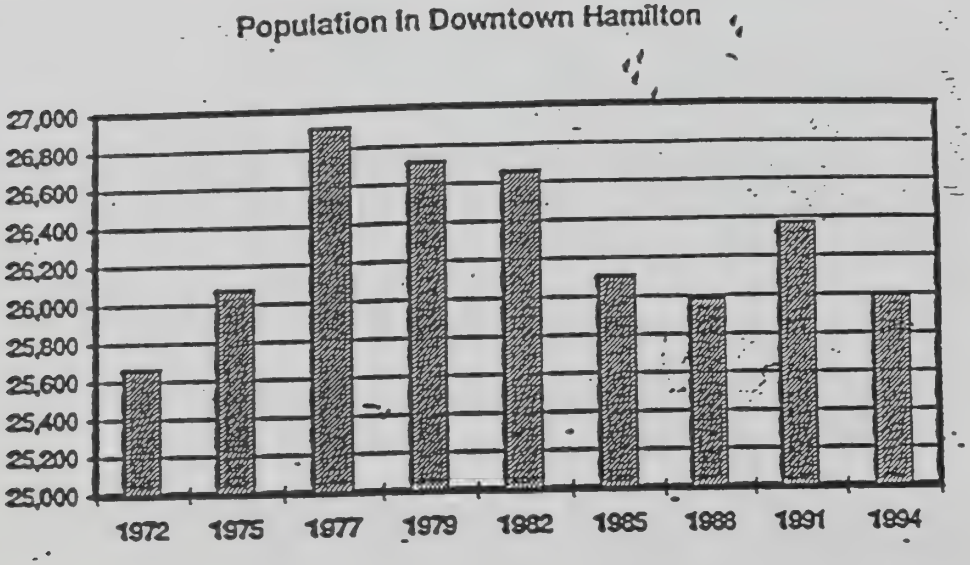
e) to upgrade physical services and social and recreation facilities; and,

f) to provide for streetscaping, servicing and building rehabilitation and improvements to enhance the Downtown, and encourage complementary revitalization or redevelopment through private investment.

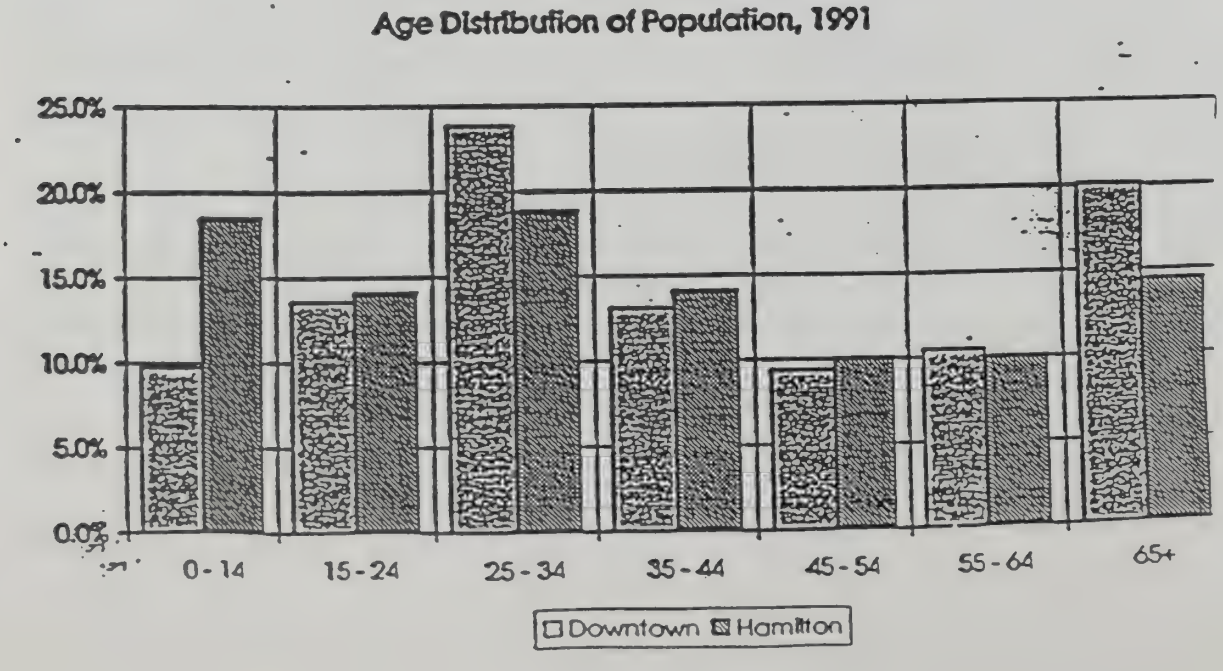
6. THE DOWNTOWN AREA - DEMOGRAPHIC ANALYSIS

The following is a summary of major demographic trends affecting the Downtown.

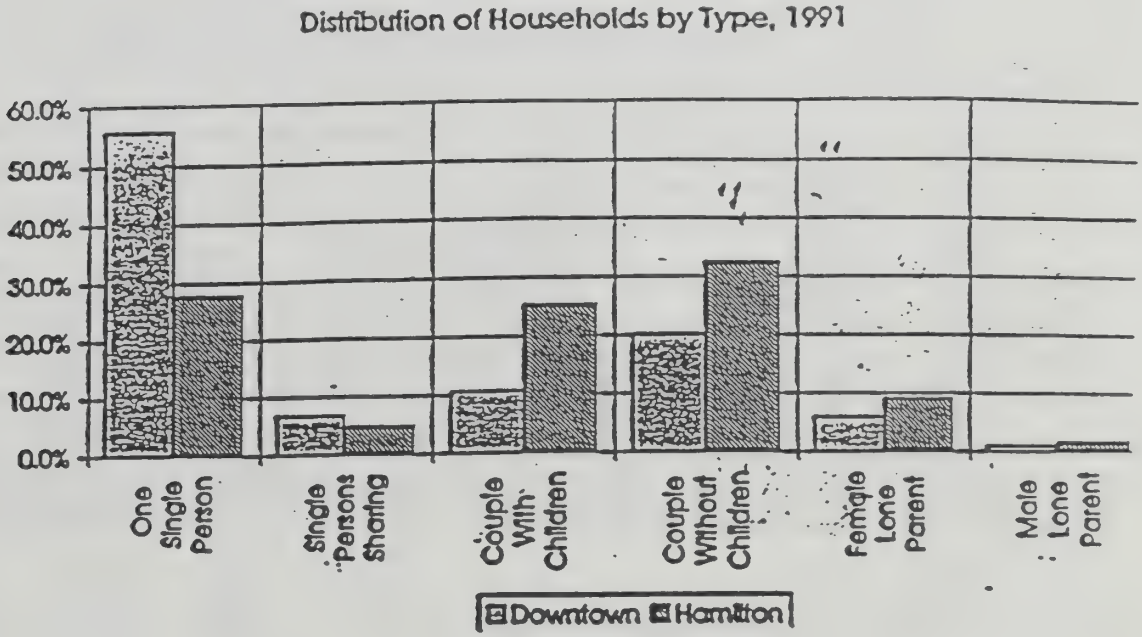
1. The population of Hamilton's Downtown experienced a decline in population from 1977 to 1985 and since that time has remained relatively stable in the 26,000 person range.



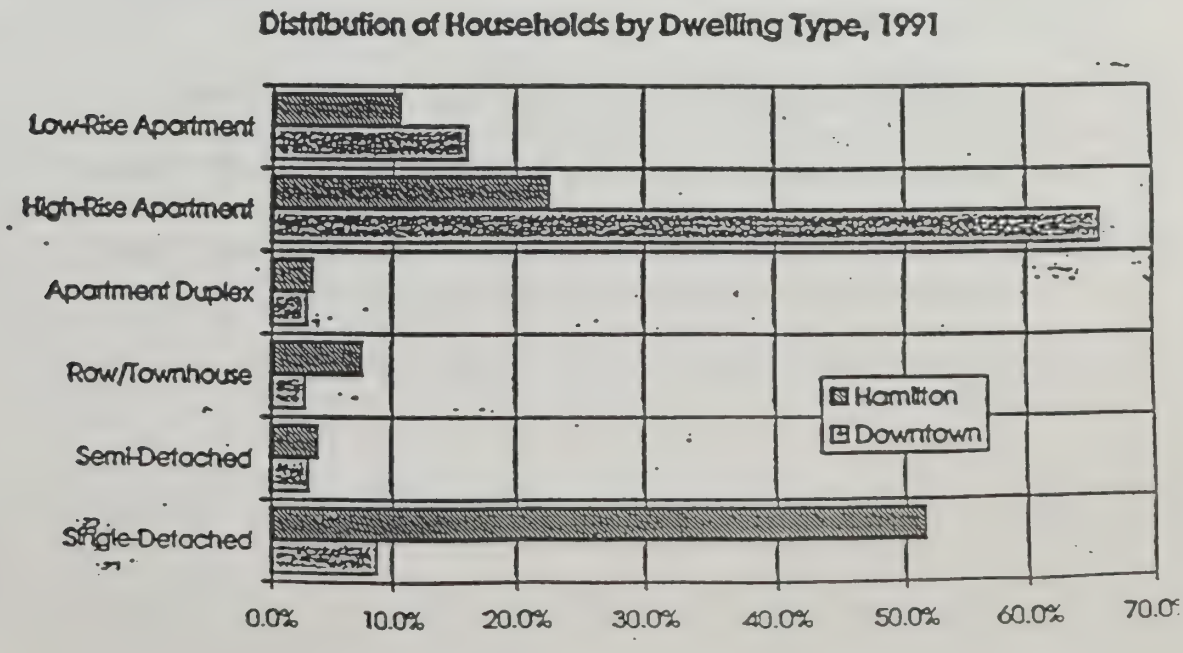
2. Downtown Hamilton recorded a higher proportion of people in the 25 to 34 years age cohort than the City of Hamilton as a whole. In addition, there was a lower proportion of children aged 0 to 14 years in Hamilton's Downtown compared to the City of Hamilton and a higher proportion of senior citizens aged 65 years and over.



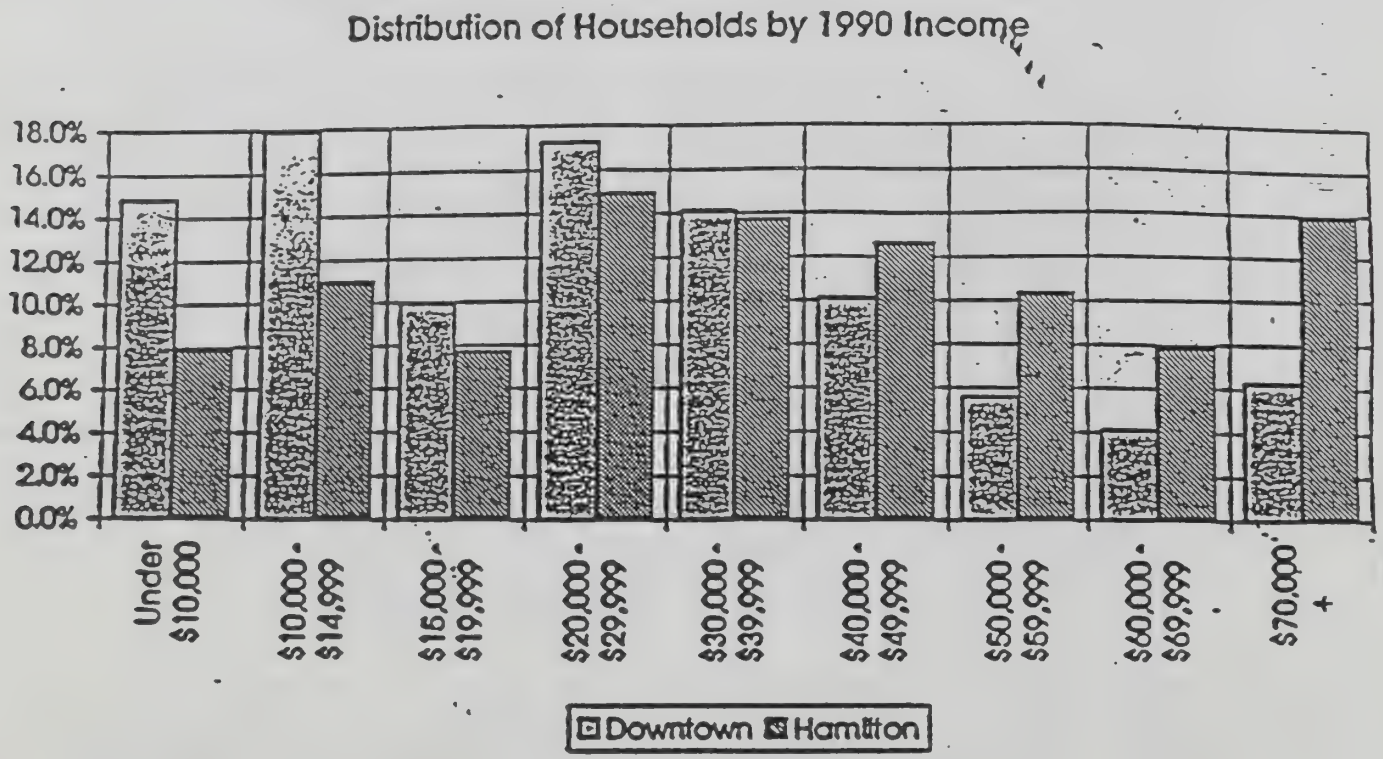
3. One single person households are the most prevalent household type in Hamilton's Downtown and accounted for over one-half of all households. There was a lower proportion of couples with children and couples without children in the Downtown compared to the City of Hamilton.



4. There was a much higher proportion of high-rise apartment units in Hamilton's Downtown compared to the City of Hamilton, 65.8 percent versus 22.6 percent. Single-detached dwellings accounted for under 10 percent of all dwellings in the Downtown while the proportion for the City of Hamilton was over 50 percent.



5. There was a higher proportion of lower income households in Hamilton's Downtown than the overall City of Hamilton and, conversely, a lowerproportion of higher income households. The average household income (1990) for Downtown households was recorded at $31,228. compared to $41,232. for the City of Hamilton.



7. PLANNING POLICIES AND CONTROLS

The following is a list of specific controls currently in affect in the downtown and major planning concerns.

A) Regional Official Plan - Towards a Sustainable Region

- Approved by the Ministry of Municipal Affairs on 1995 January 05
- Founded on the principles of Vision 2020 - sustainable development
- Downtown Hamilton designated as the Regional Centre, on Regional Development Pattern

Part B - Quality of Life

Provides policies which endeavour to enhance the way people live in this Region; issues relate to governance, environment, health, social services, shelter, culture, heritage, etc. Policies relevant to CIPA:

4.1.1 Implement an Economic Action Plan with emphasis on such things as improving workforce; improving competitiveness of small business; building partnerships in community; developing community infrastructure that is supportive of economic development.

Part C - Land Use Strategy

Contains more specific land use policies to help guide public/private decision making. Policies relevant to the CIPA include compact land use form; retail; services; transit:

3.1.1.3 Promote the Regional Centre in Downtown Hamilton as the most important mixed use activity centre, offering the widest range of goods and services of any single location in the Region.

3.1.1.4 Maintain the Regional Administrative Offices in the Regional Centre.

3.1.1.5 Promote and support efforts directed at making the Regional Centre the focus for major cultural facilities (e.g. art galleries, libraries and performing arts).

3.1.6.1 Direct retail/commercial/office uses to locate in Mixed Use Activity Centres and Corridors, shopping centres, existing and planned retail areas.

3.1.7.1 Encourage head offices and large branch offices of finance, insurance and real estate firms serving Region-wide or specialized interests to locate in the Regional Centre.

3.1.7.2 Encourage Region-wide or specialized community, business and personal services to locate in the Regional Centre.

4.3.2.3 Plan and operate the urban transit system, so that:

a) The Regional Centre is the primary focus of transit service, with an appropriate level of service and degree of accessibility.

B) <u>City of Hamilton Official Plan - Central Area Plan - Extracts Relevant to the CIPA:</u>

Purpose: The Central Area Plan is a secondary plan prepared to give policy direction for the area bounded by the Harbour, Queen Street, the Escarpment and Victoria Avenue. It includes Durand, Corktown, Central, Beasley, North End East and West Neighbourhoods and portions of Landsdale and Stinson west of Victoria Avenue.

Overview: The plan stresses the importance of a healthy, vibrant, well-designed, human-scale environment and economic well-being of the Central Area, with policies aimed at:

- building on the Central Area's existing attributes; and,
- creating an environment conducive to investment, redevelopment and growth.

Status: The Plan is an update of the original Central Area Plan, which dates back to 1981 and is approved by Committee.

There are outstanding appeals of the O.P.A., some of which have been lodged by the Hamilton Harbour Commissioners. Several pre-hearing mediation meetings have been held, with a fifth one to be held shortly, but no compromise solution is anticipated at this time.

Policies: The portions of the plan policies most relevant to the CIPA are:

General: the Centre of Hamilton is considered the "Regional Centre"; and to be recognized as a multi-use area; emphasis on urban design, compatibility of uses.

Downtown Core: includes most of CIPA, except far east and north-east portions.

- Permitted Uses - to maintain and enhance the downtown core, a mix of uses to be encouraged, namely commercial uses (office buildings and stores); residential development; and institutional uses, esp governments.
- Promote as primary commercial centre of Region; location for offices, retail.

- Reinforce existing commercial on James Street, Hess Village, east of James Street.

Mixed Use: includes far east and north-east portions of the CIPA Area.
- Permitted Uses - light industrial, commercial, residential, institutional, recreational and related ancillary uses.
- Existing uses to remain; a mix of new uses to be encouraged; new developments not to adversely affect existing ones; applications to be considered on own merits, in light of long-term goals for growth and revitalization.

C) Neighbourhood Plans in CIPA

i) Central Neighbourhood Plan

Location - This neighbourhood comprises the area bounded by Queen Street, Main Street, James Street and the CNR Mainline north of Barton Street, and includes the portion of the CIPA between Bay Street and James Street.

Neighbourhood Plan Review - A review of the existing Central Neighbourhood Plan is nearing completion. A public meeting is to be held to enable additional public input, prior to the plan being taken forward for adoption.

The emphasis of the proposed plan, for the core area, is to strengthen and complete the areas designated "Downtown Core", as defined by the Central Area Plan. This includes all of the CIPA which is located in the Central Neighbourhood. Higher density housing (4 to 8 storey apartment buildings) are proposed adjacent to the downtown core.

Existing Plan - The original Central Neighbourhood Plan was adopted by City Council in 1973, and has been amended since that time. It designates lands within the Focus Area "Commercial", except for Copps Coliseum and Civic Square, which are designed "Civic and Institutional".

ii) Beasley Neighbourhood Plan

Location - This neighbourhood comprises lands bounded by James Street, Main Street, Wellington Street and the CNR Mainline. It includes the part of the CIPA east of James Street up to Wellington Street.

Neighbourhood Plan Review - A new Beasley Neighbourhood Plan has recently been approved by City Council. The plan was prepared by staff, in conjunction with an advisory committee.

The main thrust of the plan is to make the neighbourhood an "attractive" and "desirable" place to live, namely attractive to residents by improving their quality of life, and attractive to businesses by improving their viability. Proposed actions include increasing the amount of green space; promoting mixed residential/commercial along all major streets; scaling back the one-way street system; undertaking a market value re-assessment; upgrading police presence and attention to urban design; focusing the size of the commercial downtown core into a smaller geographic area; and discouraging the creation of new parking lots.

iii) **Corktown Neighbourhood Plan**

Location - This neighbourhood comprises the area bounded by James Street, Main Street, Wellington Street and the Escarpment, and includes the portion of the CIPA south of Main and east of James.

Neighbourhood Plan Review - A review of the existing Corktown Neighbourhood Plan began in April, 1996 and is nearing completion. The draft plan, prepared with a citizen advisory committee, has been circulated to agencies. A public meeting is scheduled for December 05, 1996 to obtain input from the general public, prior to the plan being finalized and taken forward to the Planning and Development Committee for adoption in early 1997.

The purpose of the proposed plan is to create, over the next 15 years and beyond, a Corktown that is attractive, affordable and accessible, is clean, green and cohesive; is stable, livable and economically viable; has a strong identity and enhances the image of Hamilton; and has stakeholders actively involved in making decisions about the future of Corktown. Higher buildings of up to 12 storeys are proposed in the core, with lower heights to the south.

Existing Plan - The original Corktown Neighbourhood Plan was adopted by Council in November 1973, and called for a number of rezonings. It has been amended extensively since that time. It designates lands within the CIPA mainly Commercial", and "Commercial and Apartments" and some "Civic and Institutional".

iv) **Durand Neighbourhood Plan**

Location - This neighbourhood comprises lands bounded by Queen Street, Main Street, James Street and the Escarpment. It includes the portion of the CIPA south of Main and west of James.

Neighbourhood Plan Review - The Durand Neighbourhood Plan Update was prepared beginning in 1984, with the assistance of a citizen advisory committee. The plan preparation process involved the identification of issues and development of policies and actions to address these. The final version of the plan was adopted by Council in 1987.

The major goals of the Durand Plan include preservation of the residential character, which includes a mix of densities; directing commercial uses to the periphery; increasing recreational and parkland areas; heritage preservation; and restricting through traffic. The area within the CIPA are designated mostly for "Commercial", "Civic and Institutional", and, "High Density Apartments".

Former Plan - The original Durand Neighbourhood Plan was adopted by Council in 1973. It provided for extensive areas of high density residential, and designated lands within the CIPA for much the same uses as the 1987 plan update.

D) Designated Buildings:

Designation of buildings under the Ontario Heritage Act is done for the purposes of identifying and conserving buildings that are considered to be historically and/or architecturally significant. This enables retaining the original architectural character of features, especially facades, and in some cases interior features. Heritage funding grants are available for this purpose, and threatened demolition can be delayed while alternative approaches are pursued.

There are presently 6 designated buildings within the CIPA. These include:

- Pigott Building
- Sun Life Building
- Right House Building
- Landed Banking Loan Co. Building
- Victoria Hall
- Hamilton Courthouse

The designation of buildings within the CIPA is continuously being reviewed, and LACAC staff have indicated there may be several more buildings to be added to the inventory of listed buildings in the future.

E) Zoning By-Law

The Zoning By-Law governs permitted uses and development standards in the City. Several zoning districts exist in the CIPA, indicated by letter codes. This is a brief overview.

"CR-3" (Commercial - Residential) District

- Found in several areas in central and east part of CIPA
- Permitted Uses: Residential - multiple dwellings; apt. hotel, care facilities; etc.
  Commercial - office; retail; etc.; combined with residential, separate access
  Institutional & Public - nursing home; day nursery; library; art gallery
- Density permitted: Max. Floor Area - 8 times lot area; Max. Height - 24 storeys

"H" (Community Shopping and Commercial, etc.) District

- Found at eastern end of CIPA
- Permitted Uses: Residential - lodging house; single family with commercial; care facilities
  Commercial - wide range of retail; office; other; some light industrial
  Institutional - nursing home; home for aged; day nursery; jail; clubs; etc.
- Density permitted: Max. Floor Area - 8 times lot area; Max. Height - 4 to 18 storeys

"HI" (Civic Centre Protected Districts)

- Located in vicinity of Main Street and MacNab Street; Main Street and Bay Street
- Permitted Uses: hotel; nursing home; day nursery; public uses;
  Commercial - professional offices; various retail and service
- Density permitted: Max. Floor Area - 8 time slot area; Max. Height - 4 to 18 storeys

"I" (Central Business District, etc.) District

- Most prevalent zoning district in CIPA; found throughout, especially west and central
- Permitted Uses: Almost any residential, institutional or public use; care facility; lodging
  Commercial - almost any commercial; storage yards; industrial uses with minimal noise
- Density permitted: Max. Height - 37m (about 10 storeys) to 100m (about 30 storeys)

"J" (Light and Limited Heavy Industry, etc.) District

- One area in block at King William Street and Ferguson Avenue
- Permitted Uses: Institutional Uses including day nursery; detention centre
  Public & Commercial - Almost any use
  Light & Limited Industrial - uses such as food; mfg.; metals
- Density permitted: Max. Height - 10 storeys

Several site-specific Zoning By-Laws also exist, to define permitted uses and design for specific sites. For example, "H/S-472".

F) Site Plan Control

The entire Central Area is subject to Site Plan Control. The City reviews site design features, and co-ordinates siting of buildings; grading; landscaping; parking; access; other design aspects.

G) Planning Issues

i) Buildings and Open Spaces

There is diversity in the configuration of buildings and open spaces. There are several large buildings at the western end of the CIPA, including Jackson Square, an enclosed mall, the Hamilton Eaton Centre, Copps Trade Centre and Arena, and several other public buildings within the Civic Centre. There are also several other landmark buildings, many of which have historical significance. Along King Street East, facing Gore Park and extending to the east, most buildings are about three stories in height, apartments over stores, with some new infill.

ii) Design

Development in the downtown, although controlled by various regulations, does not always result in buildings and areas which are attractive to pedestrians. Some sections of the streetscape, such as adjacent to high-rise commercial buildings, are not as inviting to pedestrians as they could be, and in some cases there are obstacles to walking.

iii) Limited Greenspace

Gore Park is a small green space at the very core of the downtown. The green oasis which it provides is surrounded by roadways carrying the highest traffic volumes in the core. The main downtown location for bus stops is also at Gore Park, so the green park environment is often surrounded by a wall

of buses. The original fountain is being reconstructed in the Park, and bus shelters are also being considered, so the actual amount of green space is being reduced.

iv) **Downtown Development Corporation**

The Founding Board of the Greater Hamilton Downtown Community Development Corporation (GHDCDC) is a non-profit organization created to establish Downtown Hamilton as the economic, cultural, social and institutional centre of the Region. It was established in mid 1995, with a wide membership including politicians, business people, municipal staff, residents and other key stakeholders, and is intended to be a high profile committee of decision-makers with a mandate for action. Currently they are developing a strategic action plan that will identify downtown initiatives through public/private partnerships.

v) **Status of Downtown Initiatives**

There are many actions, studies and other initiatives underway or being considered in the downtown area. These include areas such as lighting improvements, beautification, parking meters, festivals, student housing; sign requirements; major renovation; etc. There are several committees in addition to the GHDCDC Founding Board, such as the staff Downtown Initiatives Committee.

vi) **Gore Heritage Design Study**

This study was initiated to investigate how to best conserve and enhance the special character of the Gore area of Hamilton. The Gore Park area along King Street in the downtown has much historical significance, but is now threatened by vacant buildings, and high-rise zoning. The study identifies the potential for returning existing buildings to their original condition as well as investigating design guidelines and incentives.

vii) **Social Impact - Public Amenities, Safety, Accessibility**

Crime rates in the downtown and surrounding neighbourhoods are quite high, compared to many suburban areas. These rates must be considered in the context of the higher population densities in the core, and the higher risk of crime associated with more commercial areas.

8. PREVIOUS COMMUNITY IMPROVEMENT PROJECTS

Various portions of the Downtown have been, and in some cases, are still, sites of community improvement projects. The Core Redevelopment Area and corresponding Downtown Core Redevelopment Plan were established by by-law in 1983 for the purpose of implementing various phases of the Downtown Action Plan. The works undertaken included sidewalk improvements and widenings, park redevelopment, street lighting, plantings, street furniture and road resurfacing. Monies to implement the Downtown Action Plan were derived from the Ministry of Municipal Affairs under the Commercial Area Improvement Program and the City of Hamilton. The by-laws establishing the Core Redevelopment Area and corresponding Plan and addendums were repealed in 1991.

In 1986 the City of Hamilton established the Commercial Facade Program. The program is still on-going and provides loans (to a maximum of $15,000. per unit) at half the City's prime rate, amortized over a ten year period, for the rehabilitation of commercial property facades. This program has since expanded to include a maximum of $10,000. per unit for interior renovations and is now known as the Commercial Property Improvement Program. The properties must be within an established Business Improvement Area (B.I.A.). There are seven B.I.A.'s presently established in the City of Hamilton namely: Barton General, Concession, Downtown Hamilton, International Village, Main West, Ottawa North and, Westdale Village. Community Improvement Project Areas and corresponding Community Improvement Plans were created in accordance with the Planning Act, Section 28 for the purpose of implementing the Program.

9. COMMUNITY IMPROVEMENT INITIATIVES:

The following list summarizes the strategies and initiatives that may be pursued through this Community Improvement Plan, and through any other City action intended to foster downtown revitalization. This list is not intended to be exclusive or exhaustive. It is intended to provide a framework for Downtown revitalization and renewal. The initiatives have been identified at a number of levels including: the document entitled "Strong Medicine.... A Prescription for the Heart of Hamilton Wentworth; the City/Region staff's Downtown Initiatives Committee; the Mayor's Task Force for Downtown Renewal; and, the Hamilton Society of Architect's Downtown Charette.

Each initiative is to be developed and evaluated on its own merit and taken through the appropriate approval process including Standing Committee and Council if needed, and if applicable, the appropriate funding process.

As these projects and others are approved they will be attached as further appendices to this document without requiring amendment to the Plan.

a) **The Convert/Renovate-to-Rent Program**

The City of Hamilton will provide financial assistance to property owners within the CIPA to either create apartments in vacant spaces above stores or to bring unused or deteriorated apartments in commercial buildings into compliance with the Property Standards By-law and Fire Code (as per Appendix 'A').

b) **Fee Rebates for New Development and Redevelopment Projects, Waiving of Parking Requirements and 5% Parkland dedication**

As an incentive for development and redevelopment activities in the downtown, the City of Hamilton will offer fee rebates for planning and building new development and redevelopment projects as well as waive the 5% parkland dedication and parking requirements for residential development/redevelopment (as per Appendix 'B').

c) **Attract key "niche" retailers**

Boost the distinctive retail and day-trip profile of Downtown by targeted recruiting of one or more major retailers without a significant presence in Ontario.

d) **Prepare Plans for Renovation of Key Vacant Buildings**

Work with landlords to create redevelopment proposals for existing properties, aimed at providing facilities for design studios, computer software firms, artists studios and "loft" apartments.

e) **Improve Fibre-optic Opportunities in the Downtown**

Create a public-sector fibre-optic cable wide-area communications network focused on the Downtown in 1997, to demonstrate that Hamilton makes a good location for communications-based businesses, such as call centres and commercial "back office" functions.

f) **Canadian Society of Association Executive Convention in Hamilton**

Promote Downtown Hamilton as an excellent location for national and regional association headquarters, by specifically targeting the national trade association of those organizations.

g) **Develop a Commercial.Parking Lot Licensing By-law**

Making parking lots part of the solution to the problems of Downtown, not one of its major symptoms. Combine licensing and redevelopment incentives for commercial parking lots to promote their early redevelopment and to discourage further demolitions leading to more vacant parking lots.

h) **Concept for Dealing with Tax and Assessment Issues**

Investigate whether the City and Region can facilitate a process through which the Ontario Municipal Board would agree to mediate settlements between the Assessment Commissioner and the appelants.

i) **Property Tax Exemptions for municipal and quasi-municipal uses**

Expand the range of tax-exemptions for public and cultural institutions, to promote their continued ability to operate econimically Downtown.

j) **City Housing and Development Targetting on Key Downtown Properties**

Identify four or five properties with a high redevelopment priority for the Downtown, and prepare investment portfolios for presentation to identified potential investors. The investment portfolios would highlight commercially attractive features, such as a commitment to include Regional Municipality office space, to relax parking requirements, etc.

k) **Implementation of "strategic initiatives" identified in the Downtown Charette**

Improve the physical/pedestrian links between key areas of Downtown; such as:between Hess Village and the Convention Centre; between James Street North and the Eaton Centre area; and, between Theatre Aquarius/Broadway and King Street East.

l) **Implementation of "Transportation" Initiatives with the Aim of Creating a More "People Friendly" Environment.**

Take the proposals set out in various documents e.g. the Regional Transportation Review and Downtown Charette, and explore with the Region, the alternatives to the existing downtown circulation system to promote changes and objectives of the downtown renewal strategies.

z) **Perimeter Road**

The implementation of the Perimeter Road will alleviate the through traffic and truck traffic from the downtown.

aa) **Examination of Non-Resident Library Fees**

Study the possibility of eliminating the non-resident library fees to encourage residents from the Region to visit the Central Library in the Downtown.

bb) **Pedestrian Improvement**

Investigate improvements that will make the Downtown more pedestrian friendly. Possibilities could include: sidewalk widening, canopies, re-cyclable bins, additional benches, increased lighting, additional flowers and trees, and, installation of sign trees.

cc) **Murals for the B.I.A.'s.**

Create wall murals within the Downtown area and investigate other public art opportunities.

dd) **Mustard Festival**

Implement festivals in the Downtown such as an Annual Mustard Festival.

ee) **Sustainable Development Day**

Bring the Sustainable Development activities to the Downtown core. Include downtown tours in the programming.

ff) Ferguson Avenue Redevelopment

Implement the downtown portion of the Ferguson Avenue Redevelopment Plan that creates a continual pedestrian/bicycle link between the Escarpment, the Downtown and the Bay. The Downtown portion creates a cultural area within the International Village B.I.A. providing the opportunities to hold many events within this area.

gg) Hughson Street

Review the potential for implementing the Hughson Street Study that proposes the creation of a pedestrian only area on Hughson Street between Hunter and King William Streets.

hh) Gore Park Heritage Study

Implement the Gore Park Heritage Study, a Study that identifies the potential for rehabilitating the historical significance of the buildings surrounding Gore Park.

ii) Downtown Demographic Analysis

Complete a demographic analysis of the downtown based on the 1996 Stats Canada information when available, as well as carrying out surveys, to better understand the surrounding community and to use as possible marketing tools for prospective businesses/developers.

jj) Research Downtown Initiatives in Other Communities

Continue to contact other communities to determine what has aided in revitalizing their Downtowns as well as what hasn't.

kk) Traffic Calming Initiatives

As part of a transportation review investigate traffic calming initiatives.

ll) Improve Safety and Security Initiatives

Investigate the possibility of hiring Ambassadors for the Downtown by contacting other communities that have implemented this initiative, and if appropriate and implement a similar program. The duties of Ambassadors range from cleaning the street to directing people and calling in to the Police Department when the need arises.

mm) Hamilton/Halton Homebuilders Agreement

Partner with the Hamilton-Halton Homebuilders Association for the purpose of co-ordinating the development of one or two blocks within the Downtown core. The development will act as a catalyst for other development initiatives.

10. CONCLUSION

The approval of a Downtown Community Improvement Plan will provide a legislative basis and context for some of the initiatives identified to foster Downtown revitalization. The Plan is intended to bring these efforts together within one document in order to ensure that the Downtown is dealt with in a comprehensive and co-ordinated manner, and that the initiatives identified can be directed towards community improvement.

As previously stated, each initiative is to be developed and evaluated on its own merit and taken through the appropriate approval process (Standing Committee and Council if needed), and if applicable, the appropriate funding process.

As these projects and others are approved they will be attached as further appendices to this document without requiring amendment to the Plan.

APPENDIX "A"

Summary of Terms of Hamilton Downtown Convert/Renovate-to-Rent Loan Program

(a)	Lender:	The Corporation of the City of Hamilton
(b)	Duration of Loan Program:	Until terminated by City Council
(c)	Initial Loan Capital: Additional Loan Capital:	$180,000 - City funds $180,000 - Region funds
(d)	Loan Interest rate:	Zero interest
	Interest on arrears:	12.9996% per annum or such tax arrears interest rate established by Council.
(e)	Maximum Loan Term:	Ten years (subject to prior termination on default) Principal repayable in monthly amounts over 120 months
(f)	Maximum Loan:	The lesser of cost or $12,000 per apartment unit with a maximum of $48,000 loan per property;
(g)	Purpose of Loan:	Costs of converting upper floors of commercial buildings into apartments or renovations to bring existing apartments into compliance with the Property Standards By-law and Fire Code. The existing apartments must be in commercial buildings;
(h)	Security:	Promissory Note and Lien on property being improved and/or a collateral mortgage on other property subject to City's minimum equity requirement;
(i)	Minimum Equity Requirement:	Owner shall have not less than 25% equity in the appraised value of the property offered as security, including value of alterations being financed;
(j)	Realty Taxes:	In good standing at all times
(k)	Eligible Costs:	All costs associated with the conversion or renovations to be borne by the applicant including construction, design, appraisal, legal, registration fees. City retains right to assess reasonableness of costs and which costs are eligible for program;
(l)	Sale or Refinancing of Property:	Loan due in full;
(m)	Revolving Loan Account:	Loan repayments to be credited to loan program account for re-lending;

(n) Except as provided above, subject to City's usual lending criteria.

SCHEDULE 'B'

Downtown Savings

	Before Downtown Initiatives	After Downtown Initiatives
Development Charges		
Commercial - City	$ 0.00	**$ 0.00**
Commercial - Region	$2.64 / ft^2	**$ 0.00**
Residential - City	single, semi or row - $1,565.44 2 or more bedroom apt. - $894.54 1 bedroom apt. - $447.27	**$ 0.00** **$ 0.00** **$ 0.00**
Residential - Region	single family - $5,113.00 multiple family - $3,798.00 apartment - $2,191.00	**$ 0.00** **$ 0.00** **$ 0.00**
Fees *		
Official Plan Amendment	$1,730.00	**$ 0.00**
Zoning By-Law Amendment	$1,730.00	**$ 0.00**
Minor Variance (1 or 2 family dwelling)	$250.00	**$ 0.00**
Minor Variance (all others)	$400.00	**$ 0.00**
Building Permits	$150.00 for 1st $10,000.00 of estimated construction value + $9.00 each additional $1,000.00	**$ 0.00**
Site Plan Application	$1,020.00	**$ 0.00**
Revision of Approved Site Plan	$410.00	**$ 0.00**
5% Parkland Dedication	5% or cash equivalent	**0 % or $ 0.00, if building permit is issued by Sept. 1 1999**
Public Parking in the Downtown (designated lots only)	$0.80/hr - $1.60/hr	**$ 0.00 (Thursday & Friday evenings & all day Saturday)**
Parking Requirements Residential	0.8 spaces per class A dwelling unit	**0 spaces for renovations/conversions** **0 spaces for new construction**
Lot Area Requirements for Multiple Dwellings in "I" Districts	"I" District - 65m^2 (699.68 square feet) lot area per dwelling unit	**gross floor area not to exceed 2.85 times the area of the lot**

* Fees are refundable at the time of issuance of a building permit if issued by Sept. 1/99 and the fees are paid for after Aug. 27/96.

SCHEDULE 'C'

PART A: RESTORE THE BUILDING FACADES

Purpose: To transform the public image of the Gore from an ailing inner core into a vibrant, renewed heart of the city through the restoration of its rich and genuinely historic architectural streetscape.

Eligible Work: Restoration of the historic facades includes repointing of masonry, repair or replication of the original cornice, windows, and decorative features such as window lintels, finials, cresting, etc., as well as the removal of unauthentic building facing, in accordance with the basic principles of heritage conservation and building improvement established in the Gore Heritage Design Study, approved by Council and "Guidelines for Heritage Conservation in the Gore".

PART B: IMPROVE THE QUALITY OF THE STOREFRONT DESIGN

Purpose: To attract pedestrians and businesses by making the Gore an animated, lively busy place again. Improve storefronts to make them attractive and appealing and restore original historic storefronts, where feasible.

Eligible Work: Improvement to Storefront Design includes restoring large display windows, repairs to baseboards, transom windows, original columns and entrances, secondary doors, in accordance with the basic principles identified in the Gore Heritage Design Study. Included as eligible costs are the design, production and installation of canopies, in accordance with the established guidelines and any by-law requirements which determine a minimum height, a standard width of projection and traditional location on the front facade.

PART C: IMPROVE THE QUALITY OF THE COMMERCIAL SIGNAGE

Purpose: To create downtown commercial signage that animates and enlivens the core and at the same time enhances the architectural quality of the buildings. Regain the special character of the Gore by making signs legible and appropriate to their host building and replacing excessively over-sized signage.

Eligible Work: Included in this category are the design, production and installation of commercial signage which is in accordance with the principles of good signage found in the Gore Heritage Design Study and the Signage Guidelines for the Gore. Design of the signage should fit with the character of the host building.

Summary of Terms of the Gore Heritage 2000 Program

A Component of the Restore The Core, Hamilton Downtown Improvement Plan

(a)	Grantor	The Corporation of the City of Hamilton
(b)	Initial Grant Capital	$200,000 City funds
(c)	Type of Program	Matching Grant Program
(c)	Maximum Grant	$20,000 per property
(d)	Eligible Applicants	Owners of a property located within the Gore Area, on King St. East between James St. and Catharine St. which is designated under the Ontario Heritage Act or listed on the Inventory of Buildings of Architectural and/or Historical Interest.
(e)	Purpose of Grant	To create a new image for the Gore through a heritage building facade improvement program. The Gore, by virtue of its economic and social importance to the health, image and sustainability of the City, is considered a top priority of downtown revitalization.
(f)	Realty Taxes	In good standing at all times.
(g)	Eligible Costs	The matching grants can be applied to heritage facade restoration as well as improvement to storefronts and signage, based on the principles established in the Gore Heritage Design Study. More specific information is attached as Schedule A.
(h)	Additional Eligible Programs	The Gore Heritage 2000 Program may be used in conjunction with other funding programs, such as the Hamilton Downtown Convert/Renovat-to-Rent Loan Program, the Commercial Property Improvement Program and the Commercial Heritage Trust Fund.
(h)	Conditions of Grant	The project must be fully described in the application form and the eligible items identified and approved before the work commences. The project must be completed as defined in the application form and to a high standard of craftsmanship. In the event of demolition or removal of the funded improvements within the first five years of awarding the grant, the owner of the property will be responsible for paying the full amount of the grant back to the City.

City of HAMILTON

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NO OBJECTION
CIP

Secretary
Hamilton Region Conservation Authority
P.O. Box 99
Mineral Springs Road
Ancaster, Ontario
L9G 3L3

Dear Sir/Madam:

Re: Downtown Hamilton's Community Improvement Plan (C.I.P.).

In accordance with the Planning Act, 1990, Section 28, a municipality must designate a Community Improvement Project Area (C.I.P.A.) and create a corresponding Community Improvement Plan (C.I.P.) for purposes of offering loans and grants to property owners as well as carrying out other community improvement initiatives as stiplulated in the Plan.

The enclosed document titled "Downtown Hamilton's Community Improvement Plan", provides a context for a co-ordinated municipal effort to improve the physical, economic and social climates of Hamilton's downtown.

The Planning Act, 1990, Section 28, dictates that your office must be notified of proposed C.I.P.'s. Therefore would you please review the enclosed document and provide your written comments to me **no later than Monday, 1997 June 09.** If your comments are not received by that date, the City of Hamilton will assume that you have no objection to the contents of the Downtown Hamilton C.I.P.

For your information a Public Meeting of the Planning and Development Committee to review the Downtown Hamilton C.I.P. is scheduled for: **Wednesday, 1997 June 18, 9:45 a.m., City Hall, Room 233.** The Downtown Hamilton C.I.P. will provide a framework for community improvement initiatives once it is adopted by City Council.

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Public Works Department on 199 7 JUNE 12 .

5.

CITY OF HAMILTON

- RECOMMENDATION -

JUN 1 1 1997

DATE: 1997 June 6
ZAC-97-09
Beasley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a further modification in zoning - No. 195 Ferguson Avenue North.

RECOMMENDATION:

That approval be given to Zoning Application ZAC-97-09, Wesley Urban Ministries, owner, requesting a further modification in zoning to the established "E (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, to permit a "drop-in centre" within the existing building, for the property located at No. 195 Ferguson Avenue North, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, as amended by By-law Nos. 92-197 and 93-117, applicable to the subject lands, be further modified to include the following variances as special requirements;

1) notwithstanding Section 11(1) of Zoning By-law No. 6593, the following use shall be permitted on the first and second floor of the existing building located at No. 195 Ferguson Avenue North:

a) drop-in centre.

2) for the purposes of the By-law, a **Drop-in Centre** shall mean any building or portion thereof used for the purposes of providing counselling, professional and personal care services, guidance, religious services, recreational activities,

cafeteria, temporary refuge and other similar community based activities, by a person or persons on a temporary basis and is operated by a non-profit organization but is not considered as a residential care facility, short term care facility, hostel or community centre.

3) Notwithstanding Section 18A of Zoning By-law No. 6593, the drop-in centre shall not be subject to the parking and loading requirements.

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1279b, and that the subject lands on Zoning District Map E-3 be notated S-1279b;

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-3 for presentation to City Council;

(iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a further modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations for property known as No. 195 Ferguson Avenue North, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit a "drop-in centre" within the first and second floor of the existing building. The existing parking and loading requirements are sufficient for the "drop-in centre".

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Existing Building

The existing building is a seven storey apartment building which contains 59 apartment units (floor 3 to 7). The second floor is used for the offices of the Wesley Community Homes and Urban Ministries. In addition, there is a chapel, small medical office and

storage units. The first floor is where the drop-in centre is located. The centre includes a cafeteria, community kitchen, open rooms etc.

The services offered by Wesley Urban Ministries include: counselling services, referrals, pastoral/chaplaincy services, safe haven/temporary refuge, provision of hygiene products/clothes to clients, meeting facilities, provision of lunch/snacks/Sunday dinners, etc.

The facility is open daily from 9 PM until noon.

- Proposal

The intent of the rezoning is to permit the continuation of the drop-in centre within the existing building. On October 7, 1996, the Building Department issued an "Order To Comply" to Wesley Urban Ministries. It was determined the use was short-term care facility for a maximum of 20 persons; and the use did not comply with the provisions of the zoning by-law with respect to the 180 m radial separation distance. Therefore, a site specific to the zoning by-law was required to permit the use.

Since the operation of the facility was more akin to a "drop-in centre", Wesley Community Homes amended the zoning application to permit a drop-in centre rather than a short term care facility within the "E" (Multiple dwellings, Loges, Clubs, etc.) District.

APPLICANT:

Wesley Urban Ministries, owner.

LOT SIZE AND AREA:

- 55 m (ft.)of lot frontage on Ferguson Avenue North;
- 115 m (ft.)of lot frontage on Elgin Street; and
- 1 ha (2 ac.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	7 storey mixed use building	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District

Surrounding Land Use

to the north	Vacant and Car/Truck Dealer	"H" (Community Shopping and Commercial, etc.)
to the south	Car dealer	"H" (Community Shopping and Commercial, etc.) District
to the east	CN Railway	"DE-2" (Multiple Dwellings) District
to the west	Single and two-family dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings) District

OFFICIAL PLAN:

The lands are designated **CENTRAL POLICY AREA** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan. The CENTRAL POLICY AREA permits several uses including residential, institutional, commercial, amongst others. The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Medium Density Apartments" in the approved Beasley Neighbourhood Plan. Since the principle use remains residential, the proposal does not conflict with the intent of the Neighbourhood Plan.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority had no objection to the proposed modification in zoning.

- The Building Department has advised:

  "1) The definition of the Drop-in Centre of May 15, 1997 appears to be sufficient.

  2) Recommend that the use of a Drop-in Centre shall not be subject to parking and loading requirements of Section 18A."

- The Traffic Division, Department of Public Works and Traffic has advised that:

  "Considering the information provided by the applicant related to the services provided and the clientele of the current operation, we do not anticipate any problems related to overflow parking. Therefore, we have no objection to the requested modification in zoning.

- The Regional Environment Department has advised that:

  "The above application conforms with the Hamilton-Wentworth Official Plan.

  REGIONAL COMMENTS: The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan.

  PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS."

- The Regional Department of Community Services has advised that:

  "The issue of homelessness is one that has been an on-going concern for a broad cross-section of health and social service providers in the Region of Hamilton-Wentworth. Although persons can be homeless at any time or any season, service provider's became increasingly concerned about those whose homelessness, during late night and early morning hours on cold winter nights, put them at considerable risk.

  This concern culminated in a presentation. to the Health & Social Services in late 1989 by the Regional Food & Shelter Committee. A pilot project consisting of "street van" and an Emergency Night Time Drop-In ran from February to April 1990. This project established the existence of homeless persons and the need for the drop-in program. Since that time, funding has been secured from various sources[1] for the program over the summer months. Statistical information supplied by the drop-in program over the need for an Emergency Night Time Drop-In program for the entire year. Recent statistical information collected by the program has continued to illustrate that there is a core group of persons who make their way to the drop-in program due to homelessness on every night of the week.

  Sources of funding have included: The Ministry of Community & Social Services, Region's Social Services Grant program, and finally funding for the drop-in program under the Ministry of Community & Social Services hostel program.

  This program functions as one option for persons who find themselves homeless from 12:00 midnight to 8:00 a.m. daily. The issue of homelessness is one that continues to

exist. Street workers from the Housing Help Centre made over 246 contact with persons on the streets in January and over 409 contacts in February of 1997. The Emergency Night Time Drop-In program offers one viable alternative for homeless persons on the streets in Hamilton-Wentworth.

The current zoning categorizing the Emergency Night Time Drop-In program as a short term care facility limits the number of persons that can be accommodated by the program to 23. The limitation could have a potential impact on persons who find themselves homeless on a particular night, leaving them with few options and potentially without shelter for the evening.

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan and the approved Beasley Neighbourhood Plan.

2. The proposal has merit and can be supported for the following reasons:

   i) it is a unique facility to the downtown area both in terms of the range of services available to the community as well as the emergency night time drop-in centre.

   With respect to the night time drop-in centre function, it fills a void in the hierarchy of facilities available to provide shelter for the homeless. On any given night, there are people who find themselves homeless for a number of reasons (i.e cannot get accommodation at a hostel, fire to home, released from the hospital, etc.) and the Wesley drop-in centre provides emergency overnight refuge from inclement weather. There are no beds within the facility unlike hostels which provide beds for sleeping. The hours of operation are restricted (9PM to noon).

   Wesley Urban Ministries also provides a range of community services such as counselling, chaplaincy services, medical office which serves the community at large.

   ii) the drop-in centre and the offices (first and second floors) are functionally separate from the apartment units which prohibit clients from accessing the residential units;

   iii) the building is located in close proximity to major roads (i.e. Barton and Cannon Streets) which provide public transit; and,

   iv) it is suitably located in the downtown area where the majority of the clients and similar service agencies are located.

3. The applicant originally applied for a "short-term care facility". However, the function of facility is considerably different that what is usually considered as a short-term care facility. As such, it is more appropriate to specifically define the use in the zoning by-law amendment which reflect the function of the use. For the purposes of this amendment, a definition of drop-in centre has been defined as follows:

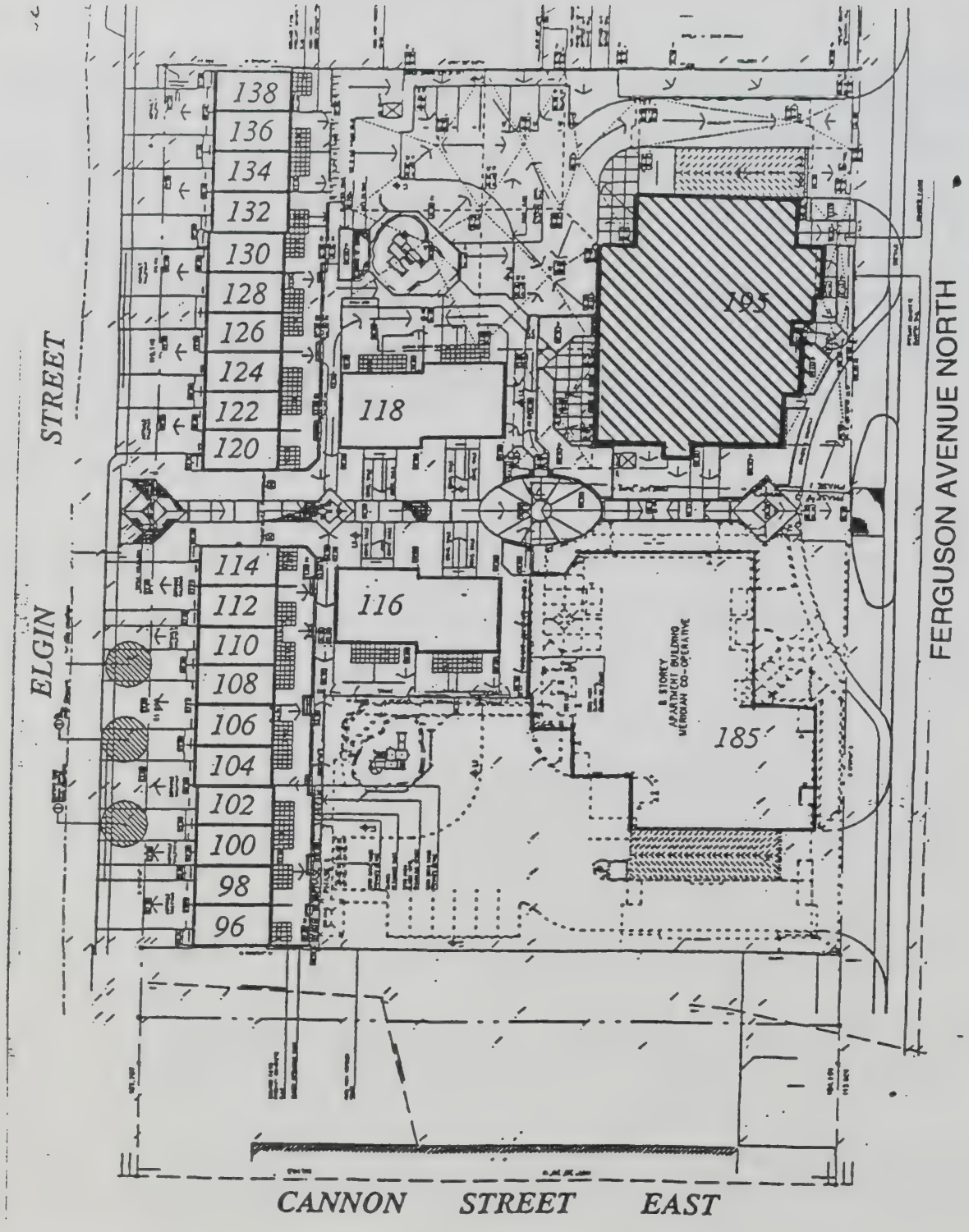
> Drop-in Centre shall mean any building or portion thereof used for the purposes of providing counselling, professional and personal care services, guidance, religious services, recreational activities, cafeteria, temporary refuge and other similar community based activities, by a person or persons on a temporary basis and is operated by a non-profit organization but is not considered as a residential care facility, short term care facility, hostel or community centre.

CONCLUSION:

Based on the foregoing, the application can be supported.

JHE/jhe
c:\zoning\ZA9709.RPT

APPENDIX "A"



Legend

Site of the Application

ZAC-97-09

6.

OFFICE OF THE CITY CLERK

MEMORANDUM

****

TO: J. J. Schatz
City Clerk
City Clerk's Department

YOUR FILE:

FROM: Tina Agnello, Secretary
Planning and Development Committee
City Clerk's Department

OUR FILE:
PHONE: 546-2729

SUBJECT: 139-147 Locke Street South
Correspondence from J. Wannop
dated 1997 May 19

DATE: 1997 May 28

Council at its meeting of 1997 May 27 referred the above noted correspondence, attached hereto, to the Planning and Development Committee for consideration.

Attachment

WENTWORTH CONSTRUCTION PLANNING
361 JACKSON STREET WEST
HAMILTON, ONTARIO L8P 1N2, CANADA

"JERRY" G. WANNOP
ESTABLISHED 1968

BUS. 522-7585
RES: 634-1329

OFFICE OF THE CITY CLER
MAY 22 1997
REC. BY SGH DATE 5/22
REF'D. TO V. Abraham DATE
REF'D. TO A. Zuidema DATE
REF'D. TO L. Kirn DATE
ACTION: CORR FOR Council - May 27

MAY 19, 1997

City Council
City Hall Hamilton
Ontario L8N 3T4

Good Morning

Re 139 to 147 Locke Street South.

Attached is a copy of City Council Resolution of October 8, 1996 that requires that the Agreement registered on title of the property be ammended.

Please be advised that the Agreement does not permit the Agreement to be ammended, only extended by way of a requiest to the City Building Commissioner.

I respectfully requiest that the Sect. A of the 16th Report of the Planning & Development Committee be rescinded.

BLUEPRINTS FOR HOUSES - APARTMENTS - TOWN HOUSES
COMMERCIAL & INDUSTRIAL BUILDINGS - ALTERATIONS
RENOVATIONS - ADDITIONS - INTERIOR & LANDSCAPE DESIGN
PRE-PURCHASE INSPECTIONS

WENTWORTH CONSTRUCTION PLANNING
361 JACKSON STREET WEST
HAMILTON, ONTARIO L8P 1N2, CANADA

"JERRY" G. WANNOP
ESTABLISHED 1968

BUS: 522-7585
RES: 634-1329

I RESPECTFULLY REQUEST THAT CITY COUNCIL PASS A FURTHER RESOLUTION WITH THE SAME WORDING AS SECTION A - WITH THE EXTENSION TO JUNE 7, 1998 & DELETE "AND THAT AT THE END OF THIS PERIOD IF A BUILDING PERMIT HAS NOT BEEN ISSUED THE PROPOSED DEVELOPMENT MUST BE SUBJECT TO A NEW SITE PLAN CONTROL APPLICATION."

I HAVE NOW THREE TENANTS THAT HAVE SIGNED TWO, THREE & FIVE YEAR LEASES & HAVE SECURED THE STORM & SANITARY SEWER & WATER PERMITS.

CITSALP INDUSTRIAL REALTIES LTD.

RESPECTFULLY, JERRY WANNOP

J. Wannop '97

7.

JUN 0 6 1997

ALFRIN ENTERPRISES CORPORATION
554 Rymal Road West
Hamilton, Ontario
L9B 1B8

June 5, 1997

DELIVERED

Planning and Development Committee
71 King Street West
Hamilton, Ontario
L8N 3T4

Attention: Ms. Tina Agnello, Secretary

Dear Sirs/Mesdames

Re: Zoning Application ZAC-96-11 (the "Application")

Kindly place the above referenced Application on the Agenda for the June 18, 1997 Planning and Development Committee meeting. The Application by Alfrin Enterprises Corporation requests a further modification in zoning for lands located at 73 Garfield Avenue South, Hamilton, Ontario, to permit the conversion of the existing building to a 48 person lodging home for senior citizens. This matter was put over from the November 20, 1996 meeting.

Please confirm, in writing, that the Application will be heard by the Planning and Development Committee on June 18. If you require anything further, kindly contact the writer.

Yours very truly,
ALFRIN ENTERPRISES CORPORATION

Per: _____
Al Frisina, Jr.

cc: Planning Department
Alderman Don Drury, Chair
Alderman Bernie Morelli

OFFICE OF THE CITY CLERK

MEMORANDUM

****

TO: Alderman D. Drury
Alderman, Ward 3

YOUR FILE:

FROM: Tina Agnello, Secretary
Planning and Development Committee

OUR FILE:
PHONE: 546-2729

SUBJECT: **ZA-96-11**
73 GARFIELD AVENUE SOUTH

DATE: 1996 November 28

The Planning and Development Committee, at its meeting 1996 November 20 moved to table the above-noted matter to the meeting of 1997 January, in order to allow the Ward Aldermen to meet with the residents and the applicant, to work towards a solution.

TA:br

file

D+D 1996 NOV 20 Tabled.

2.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 November 12
ZAC-96-11
Stipeley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a further modification in Zoning
73 Garfield Avenue South

RECOMMENDATION:

That Zoning Application 96-11, Alfrin Enterprises Corporation (Al Frisina), owner, requesting a further modification to the established "C" (Urban Protected Residential, etc.) District for lands located at 73 Garfield Avenue South, to permit a residential care facility for 50 residents, as shown on the attached map marked as APPENDIX "A", be **DENIED** on the following basis:

(i) The proposal represents an over intensification of the site in that a residential care facility with a maximum capacity of 6 residents is permitted as-of-right in the "C" District. The proposed capacity is 8.33 times higher than the maximum number of residents permitted in the "C" District. Such a facility would be considered to be an institutional use and therefore is contrary to the intent and philosophy of the By-law which was developed to promote smaller facilities which approximate a family housing arrangement.

(ii) It conflicts with intent and purpose of the By-law in that there are three (3) other facilities within 180 m of the site.

(iii) It conflicts with the intent of the Official Plan in that the proposal does not provide adequate on-site parking and does not provide any associated on-site loading/garbage storage area to service the use;

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal:

The proposal is for a further modification to the established "C" District to permit conversion of the existing building for use as a 50 bed residential care facility.

Zoning Application 90-28

At its meeting of May 23, 1990, the Planning and Development Committee recommended denial of Zoning Application 90-28, as submitted, to permit the conversion of the existing building to eighteen residential units. The Committee also denied the amended application to permit the conversion of the existing building to 14 condominium or apartment units. City Council, at its meeting of May 23, 1990, adopted the recommendations of the Committee.

Zoning Application 90-60

City Council, at its meeting of October 30, 1990, denied Zoning Application 90-60. The application was for a modification in zoning to permit the conversion of the existing building to fourteen dwelling units (apartments of condominiums). The application was denied on the basis that it conflicted with the position of City Council, adopted on May 29, 1990, to deny the conversion of the building to eighteen dwelling units and to deny an amended application to permit fourteen units.

Ontario Municipal Board Hearing

The denial of Zoning Application 90-60 was appealed to the Ontario Municipal Board (OMB). The OMB, by way of an order dated November 10, 1992, approved the conversion of the building for a maximum of 10 units subject to the following conditions:

1) That the City and the developer have entered into a site plan agreement regarding parking; and,

2) That the City and the developer enter into an encroachment agreement.

The applicant has entered into a site plan agreement and encroachment agreement with the City. However, it is noted that the site was never redeveloped for that purpose.

Applicant:

Alfrin Enterprise Corporation, owner.

Lot Size and Area:

The subject lands have:

- a frontage of 30.48 m (100 ft) along Garfield Avenue South;
- a depth of 30.48 m (100 ft); and,
- an area of 940 m^2 (10,000 sq.ft.).

Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant 2 storey building	"C" (Urban Protected Residential, etc.) District, modified
Surrounding Land Use		
to the north, south, east and west	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District

City of Hamilton Official Plan:

The subject lands are designated "Residential". The proposal conflicts with the intent of the Official Plan in that it represents an over intensification of the subject lands. Specifically, the proposal does not provide adequate on site parking nor does the proposal provide suitable amenity areas for the residents.

Neighbourhood Plan:

The subject lands are located in the Stipley Neighbourhood and are designated "Single & Double" Residential in the approved Neighbourhood Plan.

COMMENTS FROM CIRCULATION:

- The Regional Environment Department, Development Division advised:

  "For your information and as per our previous comments related to this property, zoning application ZA-90-60, the sewer system in this area is sub-standard. However, as the previous zoning change was for 14 residential units (35 individuals/unit), and this application is for 48 senior's apartments (50 beds), there will be no notable increase in density, and therefore as previously indicated, we do not anticipate any significant impact on the system.

  The following comments have been received from the Region's Transportation Department, Roads Division.

  (1) According to our records, the alley to the rear of the subject lands is public unassumed. Therefore the City of Hamilton cannot guarantee free and clear access to the rear of the subject lands from the alley.

  (2) According to our records the applicant has entered into an encroachment agreement with the City of Hamilton for the existing steps and retaining wall within the Garfield Avenue South road allowance. This agreement was registered as Instrument No. 149223 on March 24, 1993.

  (3) We recommend that any visual barriers be set back a minimum of 3.0 m from the Garfield Avenue South road allowance limits and the limits of the public unassumed alley to provide some motorist visibility entering the alley and the street from this property and adjacent lands."

- The Department of Public Works, Traffic Division advised that:

  "The information provided by the Building Department indicates that the proposed development falls within the definition of a residential care facility which will require 17 parking spaces for the proposed total of 50 beds.

  The information provided in the application indicates that a common dining area will be provided. We anticipate that the provision of meals for the proposed number of residents will necessitate the provision of loading and garbage facilities. The submitted plan does not include loading or garbage facilities.

Our review of the submitted plan indicates that all the parking spaces shown are substandard in size and that a number of the dimensions shown on the plan are incorrect. We recommend that any further submissions include loading and garbage facilities and that the plan be modified to provide parking spaces that meet by-law requirements.

The proposal, as submitted, will require a significant reduction in the required parking which may result in spillover of parking into the adjacent residential area. In addition, the nature of the proposed development will generate an increase in truck traffic in the area which will be required to access the site from the alley at the rear of the property.

Considering the potential negative impact on the adjacent residential area, we cannot support an application to further modify the zoning to permit the proposed development."

- The Building Department has advised that:

"1. The application indicates lodging home for forty-eight (48) senior residents, but the attached plan indicates twelve (12) beds per each floor, plus two (2) beds in the basement for a total of fifty (50).

2. A lodging house in not permitted in a "C" District and a lodging (house) as defined must not have bathrooms and/or kitchen facilities for the exclusive use of the individual occupants.

3. The proposal would be considered a Residential Care Facility, however, the "C" District permits a maximum of six (6) residents.

4. The special requirements of the present zoning are applicable.

5. A residential care facility for a maximum of fifty (50) persons requires a minimum of seventeen (17) parking spaces."

- The Treasury Department advised the property was registered with a Tax Lien on May 24, 1996 and that as of August 29, 1996, there were outstanding taxes and penalties for the subject lands.

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan.

2. The application cannot be supported for the following reasons:

   - The proposal represents an over intensification of the site in that a residential care facility with a maximum capacity of 6 residents is permitted as-of-right in the "C" District. The proposed capacity is 8.33 times higher than the maximum number

of residents permitted in the "C" District. Such a facility would be considered to be an institutional use and therefore is contrary to the intent and philosophy of the By-law which was developed to promote smaller facilities which approximates a family housing arrangement.

- Based on Building Department records, there are 3 existing residential care facilities within 180 m of the subject lands whereas the provisions of the Zoning By-law requires that residential care facilities have a minimum 180 m radial distance separation to avoid an over-concentration of these uses.

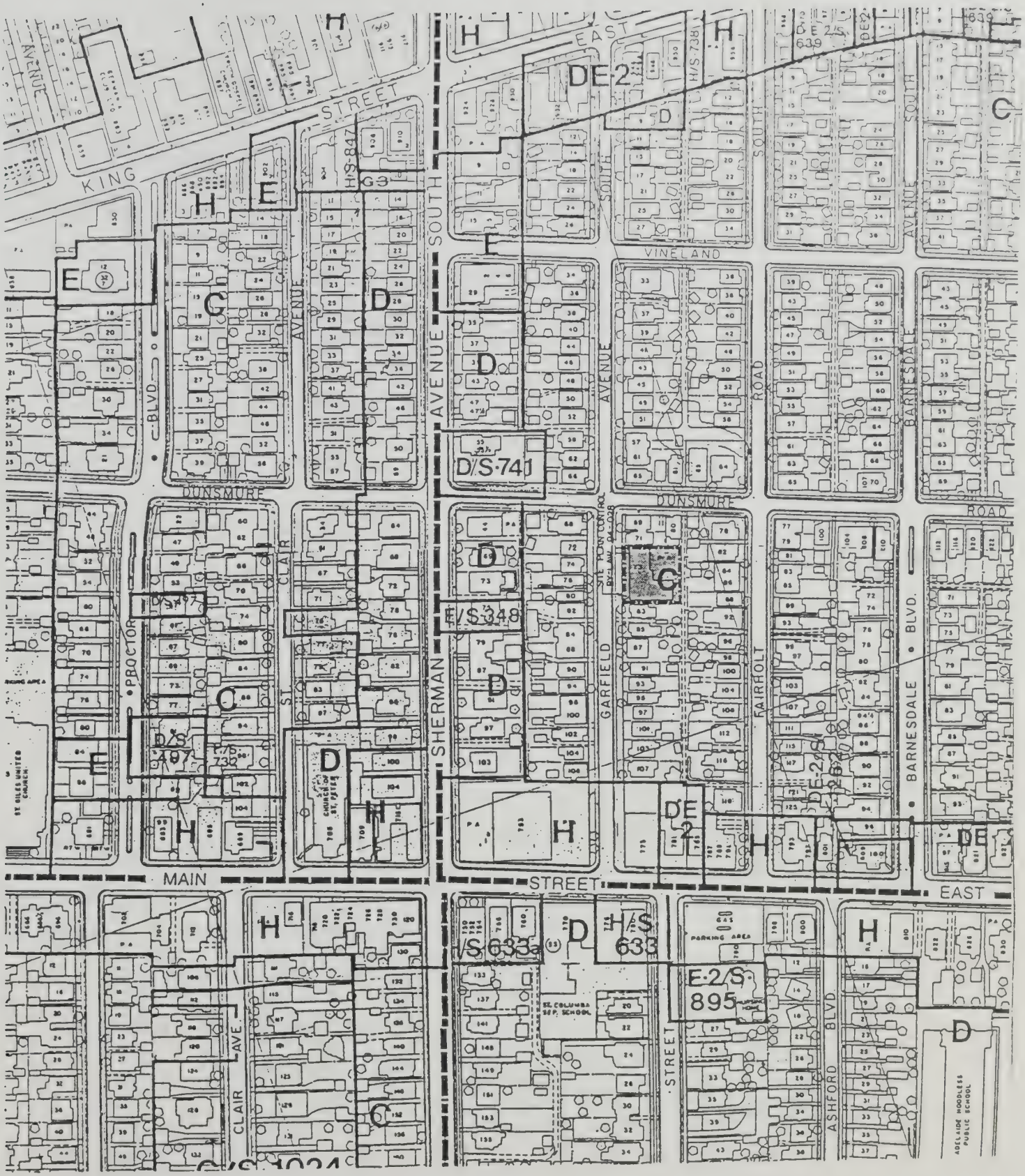
- It conflicts with the intent of the Official Plan in that the proposal does not provide adequate amenity area for the residents and adequate on-site parking in that 17 spaces are required to be provided whereas none of the on-site spaces comply with the minimum size requirements of the Zoning By-law (ie 2.7m x 6.0m and 2.5m x 6.7m for parallel parking spaces) and that the proposal would not provide for a on-site loading area and garbage storage area;

- It conflicts with the approved Neighbourhood Plan which designates the subject lands as "Single and Double" Residential;

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

SR/sr
ZAC96-11.rpt



Legend

Site of the Application

APPENDIX "A"

Nov. 11/96

NOV 13 1996

NOV 13 1996

City of Hamilton,
Planning Dept.

Re: File ZAC-96-11 Seq. 00201,
73 Garfield So.

To whom it may concern.

I am very much opposed to the suggested 48 person residential care facility for seniors. I think a lesser number of persons might be more suitable considering the few parking spaces available at the rear of the building.

There will be an over abundance of staff and visiting guests, and delivery trucks, etc. for the little amound of availble parking on Garfield ave. at present. Also we have an overflow of cars from Sherman Ave residents seeking nite parking, as none is available after hours on Sherman.

Please take this into consideration.

Tax paying resident,

MICHAEL J. WYCHOPEN

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Traffic Department; D. Lobo, Director of Public Works on 1996 NOV 19.

sent nov 19/96 BB

9.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1997 June 18
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

a) Minutes of the Meeting held 1997 May 21

b) Minutes of the Special Meeting held 1997 May 27

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

(a) International Village Business Improvement Area - Mural, Commercial Improvement Program

(b) Barton Village Business Improvement Area - Amendments to Appropriate By-laws

(c) Departmental Support for Business Improvement Areas

C. BUILDING COMMISSIONER

a) Hamilton Emergency Loan Program

b) 626 Barton Street East - demolition

c) 290 Lake Avenue North - demolition

d) 355 Barton Street East - Commercial Property Improvement Loan Program

D. DIRECTOR OF PLANNING AND DEVELOPMENT

a) Proposed Draft Plan of Condominium "Bungalows at Chedoke" (CDM-97-01).

b) Proposed Draft Plan of Condominium "Tiffany Creek" 1000 Upper Paradise (CDM-97-03).

c) Application to Remove Part-Lot Control for Lots 67 to 78, inclusive, "Rymal Estates" Subdivision (PLC-96-03)

d) City of Hamilton Comments - Proposed Parkway Belt West Plan Amendment No. 125.

e) Proposed Draft Plan of Condominium (CDM-CONV-97-001) by Jose da Silva, Manuel DeJesus, and Pasqualina Pagliccia - 914 Mohawk Road East, Lisgar Neighbourhood.

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Aa)

Wednesday, 1997 May 21
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Alderman G. Copps
Alderman M. Caplan
Alderman F. Eisenberger
Alderman Wm. McCulloch
Alderman B. Charters
Alderman H. Merling

Regrets: Mayor R. Morrow, Civic Business

Also present: Alderman M. Kiss
Victor Abraham, Director, Planning and Development Dept.
Joanne Hickey-Evans, Planning Department
Bill Janssen, Planning & Development Department
Eugene Chajka, Regional Environmental Department
Patrice Noé Johnson, City Solicitor
Roland Karl, Public Works & Traffic Department
Peter Lampman, Building Department
Len King, Building Department
John Spolnik, Building Department
Larry Harvey, Building Department
Tina Agnello, Secretary

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

Alderman Drury advised those present that as per the Planning Act that the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at a public hearing under the Planning Act for Zoning. Alderman Kiss pointed out that there is a request for tabling before the Committee.

1. **Zoning Application 97-11, by Whatmough Management Inc. (Sarah Whatmough), owner, for a modification to the established "D" District regulations for property located at 412 Aberdeen Avenue**.

   Submissions were received from the following:

   a) Grant Howell, Simpson, Wigle Solicitors, 21 King Street West Suite 400, Hamilton
   b) Wendy Peng, 185 Stanley Avenue, Hamilton
   c) R.B. Chown, 15 Stanley Avenue, Apt. 1, Hamilton
   d) Peter Fleming, 101-801 Queen Street South, Hamilton
   e) Barry Allen, 311 Bold Street, Hamilton
   f) Dean & Lorraine Lossing, 69 Beulah Avenue, Hamilton
   g) Leslie Whatmough, 323 Locke Street South, Hamilton
   h) Melanie Meredith, 27 Mapleside Avenue, Hamilton
   i) Bruce Spence, 201 Herkimer Street, Hamilton
   j) Liz Schird & Del Harmish, 165 Homewood Avenue, Hamilton

Joanne Hickey-Evans advised that the application is to permit the sale on lending of new and used books in the amount of 895 square feet. There also requesting a small non-illuminated

sign. On January 1996 a similar application was approved by Council for 15 percent of the gross floor space at a subsequent Ontario Municipal Board meeting. The Chairperson determined that an official plan amendment is required. The applicant is now requesting 30 percent of gross floor space. Joanne Hickey-Evans advised that the uses on the street are commercial to the west and residential on the east is located on a major artery road and therefore the use should be allowed.

Ms. Whatmough was present. She stated she is the owner of 412 Aberdeen Avenue and also manages two gas stations. She is trying to create her own in home business. She stated that the property has experienced residential deterioration. The commercial is close by and there are many rental properties surrounding her home. She stated that since the last application she has now provided four new parking spaces. She submitted a petition with 340 names in favour of the proposal.

Barry Allen of 311 Bold Street was present. He stated that the business will be in the living room and the four parking spots which have been provided would alleviate of previous concerns. He stated that the business will be on a major arterial road and that the book shop would enhance the quality of life in the neighbourhood. He also explained that the Kirkendall Neighbourhood Association does not object to the proposal since the concerns of parking and traffic have been met.

Robert W. Morrow owner of 408 Aberdeen Avenue immediately abutting the property was present. He requested an adjournment. He stated that on April 4, 1997 he was advised by Planning Staff that the public meeting would be held in June or July 1997. He also advised he has been away on business from May 2nd to the 18th and was only advised of the date of the meeting on May 5th. The staff report was available on May 20th which did not give him enough time to prepare for the meeting. In his opinion the report is biased and projects only one view. He also advised that he requested a copy of the application from the Planning Department in March and eventually received it in early April but that the application was partial and incomplete. Therefore he requested postponement of the meeting for 30 days.

Alderman Copps concurred. A resolution was put forward to table the matter and was defeated.

Mr. Morrow continued by stating that both Alderman Kiss and Alderman Caplan were opposed to the original application. The incomplete application leads him to believe that it has not properly been completed. He conducted a review of the application with the Committee. He stated that since Ms. Whatmough is Secretary of the Kirkendall Neighbourhood Association, the association has changed its view. He suggested that this is a conflict. He distributed photos of the property to the Committee. He pointed out that he has submitted a letter to the neighbourhood residents which is included in their agenda package.

In response to a question from Mr. Morrow, Alderman Drury stated that of 211 notices sent out 15 replied in favour, 22 opposed and 2 did not indicate.

Mr. Morrow stated that the majority should be considered. He continued by discussing the original application made in 1995. Alderman Drury noted that the discussion should be with regard to the application presently before the Committee.

Mr. Morrow continued by giving the history of purchase of the property. He stated that the Traffic Department in 1995 July had no indication that the property was intended to be used as a book store. In September of 1995 an application for book store use was put in therefore, he stated that if the property was purchased it was purchased with the intention to make it commercial.

With regard to the notice periods, Alderman Drury stated that this application has not been treated any differently than any other application and that the same amount of time for notice that was given for the other two public meetings at this hearing has been given for this application.

Mr. Morrow submitted a petition and stated that there are more petitions forthcoming.

Joseph Ott representing St. Boniface Church of 420 Aberdeen Avenue was present and was opposed to the application. He stated that Aberdeen has high traffic and congestion and a great deal of parking problems. There is not enough parking on site. Once commercial use is established it will be difficult to control what type of commercial use will be run on the premises. He stated that the City has a poor track record in terms of policing infractions since it is difficult to have the amount of staffing to police all infractions in the City. He also stated that the business would produce additional garbage. He asked the Committee to give consideration to a long establish church in the community and concluded by stating that the church will oppose the application to the Ontario Municipal Board should it be approved.

Dave Nicholson was present (no address given) he stated that he agrees with the applicant and is in favour of the book store. He also advised that the store will not be open on a Sunday or in the early morning during rush hour.

Ilene Pearson of 7 Beulah Avenue resident since 1959 was present. She is opposed to the application. She stated that a similar application was turned down and now they have been reapplied. She wants to keep the area as a good residential neighbourhood.

Bernice Clark of 13 Beulah Avenue was also opposed. She suggested that the Locke Street Library will suffer and also stated that the concerts which have already been held at the property have caused her to have trouble finding parking.

In response to a question from Alderman Copps, Joanne Hickey-Evans stated that the special policy area is a tool for the official plan which is site specific for 412 Aberdeen Avenue.

Alderman Copps stated that a precedent is being set because residential is being maintained and commercial is also being permitted. Joanne Hickey-Evans advised that the application does not conflict with the intention of the neighbourhood plan if the residential is maintained.

Alderman Kiss advised that this is a beautiful residential neighbourhood and if this application if approved it would cost to an extension to commercial use. She is concerned with safety, traffic and parking problems. She stated that the park yard has already been gravelled. Overall she is concerned with the overflow and negative impact of this application on the surrounding streets.

As recommended by the Director of Planning and Development in a report date in 1997 May 6th the Committee recommended to Council as follows:

A. That approval be given to Official Plan Amendment No.139 establishing a Special Policy Area to permit the sale or lending of new books and a second-hand goods shop involving only the sale or lending of used books within the Residential designation, for the property known municipally as No. 412 Aberdeen Avenue, as shown on the attached map marked as APPENDIX "A", and that the Director of Planning and Development be directed to prepare the By-law of Adoption, in accordance with Section 17 (22) of the Planning Act for submission to the Regional Municipality of Hamilton-Wentworth;'

B. (a) That approval be given to Zoning Application ZAC-97-11, Whatmough Management Inc. (S. Whatmough), owner, requesting a modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations, to permit the sale or lending of new books and a second-hand goods shop involving only the sale or lending of used books on the ground floor of the existing dwelling, for property located at No. 412 Aberdeen Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

(b) That the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593,

applicable to the subject lands, be modified to include the following variances as special requirements:

(1) Notwithstanding Section 10.(1) of Zoning By-law No. 6593, the following shall be permitted:

(I) the sale or lending of new books and a second-hand goods shop involving only the sale or lending of used books carried on for remuneration entirely within the existing dwelling by an owner residing in the dwelling unit as their principal place of residence, subject to the following requirement:

(i) the sale or lending of new books and a second-hand goods shop involving only the sale or lending of used books shall be located on the ground floor of the existing building, with a maximum floor area of 84 m^2 (895 sq. ft.); and,

(II) one non-illuminated business identification sign which is a name plate or a ground sign, subject to the following requirements:

(i) the area of any sign shall not exceed 0.2 m^2 (2.15 sq. ft.);

(ii) a ground sign shall be located a minimum of 3.0 m (9.84 ft.) from the front lot line and east side lot line; and,

(iii) a ground sign shall have a maximum vertical dimension of 1.0 m (3.28 ft.);

(c) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1381, and that the subject lands on Zoning District Map W-14 be notated S-1381;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-14, for presentation to City Council;

(e) That the proposed modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 139 by the Regional Municipality of Hamilton-Wentworth.

*** Alderman D'Amico and Alderman Copps opposed**

2. **Zoning Application 97-05, by 200 Rymal Road Inc. (A. DiSilvestro, President) owner, for a change in zoning from "C" District to "R-4" District (Block 1) and for a further modification to the established "B-2" District for lands located east of Springside Drive, south of Jacqueline Boulevard and west of the proposed extension of Upper Wellington Street.**

Alderman Merling advised that he has spoken with the applicant and inlight of the staff recommendation the applicant has requested to meet with staff and the Alderman to resolution.

The Committee concurred and tabled the application.

3. **Zoning Application 97-08, by Rosart Properties, owner, for changes in zoning for property located west of Upper James, east of West Fifth, the rear portion of 1187 West Fifth and 1514 Upper James (Block "1") and 1468-1500 Upper James.**

Submissions were received from the following:

a) Mary Lou Dickson, 1428 Upper James Street, Hamilton
b) Robert Morris, P. Eng., 1452 Upper James Street, Hamilton
c) Robert C. Dickson, 1428 Upper James Street, Hamilton

Joanne Hickey-Evans advised that the Rosart properties are before the Committee for an official plan amendment and a zoning. The intent is for a commercial plaza and day nursery in block one. The application proposes to extend the special policy area on Upper James Street to include these lands. A midblock collector would be removed in this area. A number of variances dealing with the set back have also been incorporated in the application. The intent is to have a neighbourhood village that is pedestrian friendly. Therefore the buildings are being brought forward. There are also variances to buffering and landscaping including a visual barrier. The land should be placed in a holding zone for comprehensive development, and so that the Regional Environment Department has a storm water management study conducted. Therefore based on these conditions the Planning Department is recommending approval.

Brenda Case of May Pirie Dakin and Associates, Planner, was present on behalf of the applicants. She has met with staff to discuss the elimination of the midblock collector. The clients have agreed to restrict the type of uses near residential. She submitted a short list of retail uses for block one.

Rick Lintack, Architect, on behalf of the applicants was present and Glen O'Connor, Landscape Architect was present.

Brenda Case continued by stating that they are proposing a six metre landscaping strip including solid wood fence which abuts neighbouring properties. There's not a significant amount of residential land removed with this application. There have been three letters of objection received and the applicants have attempted to meet with the objectors unsuccessfully. She stated that these lands were always intended for development in the official plan and the Mewburn neighbourhood plans. The changes that are being requested by the applicants are as follows: that the range of uses in block one are to be extended and secondly that the landscape requirement for the north property boundaries be reduced to 1.5 metres instead of 3 metres since the abutting lands are intended to be for institutional uses.

Rick Lintack showed the artists concept plans to the Committee. Glen O'Connor illustrated a link to residential areas through a walkway. He advised that landscaping will be similar to that of Fortino's plaza of Plains Road in Burlington.

In response to a question from Alderman Copps with regards to wheelchair access, Mr. O'Connor stated that it will be provided. Alderman Charters stated that he is very disappointed with the amount of tree planting and the size of the growth of vegetation especially on a major street like Upper James.

Serge Manthia of Planning Initiatives was present. He was there on behalf of Setay Investments. On the north east corner across the street from the development. He stated that the midblock collectors are important to his client and that the village notion is not an issue. His clients are concerned should the village node be maintained without the midblock collector and the client would respectfully request that at sometime they receive the same consideration.

Don Valley of 1162 West 5th Street was present. He does not want driveways on to West 5th from the plaza. Alderman D'Amico advised that there would be no access from West 5th. Alderman D'Amico added that the Rosart Development has a good design plan.

In response to a question from Alderman Drury, Joanne Hickey-Evans advised that a copy of the staff report had been sent to Robert Morris as per his request.

A discussion ensued with regard to the walkway. Ms. Case stated that one portion is to be maintained by the Rosarts and the other by the City.

In with regard to the midblock collector Roland Karl stated that another traffic light would be installed.

A discussion also ensued with regard to the additional uses requested for block one. Joanne Hickey-Evans suggested that they propose usage should not be retail and should not be high traffic generators.

Following a brief discussion the Committee resolved that the following amendments would be made to the main motion. That all uses requested by the applicant other then a caterer would be included as uses for block one. That the walkway be deleted. That landscaping on Upper James be comprehensive in terms of large trees, flowers and grasses.

Alderman Eisenberger suggested tabling the walkway issue.

Staff stated that they are opposed to reduced buffering at block F since sometime institutional uses become residential uses.

Following discussion the Committee resolved to approve the recommendation of the Director of Planning and Development dated 1997 May 14 as amended as follows:

A. That approval be given to Official Plan Amendment No. 140 to redesignate the rear portion of Block "2" from "Residential" to "Commercial" on Schedule "A" and to include Block "1" within Special Policy Area 31 and the rear portion of Block "2" within Special Policy Area 31b on Schedule B - Special Policy Areas and to redesignate Special Policy Area 31c to Special Policy Area 31b, and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,

B. That approval be given to Zoning Application 97-08, Rosart Properties, owner, requesting a change in zoning from "RT-20" (Townhouse-Maisonette) District modified to "G-1" - 'H' (Designed Shopping Centre - Holding) District modified, for Block "1"; from "AA" (Agricultural) District to "G-1" - 'H' (Designed Shopping Centre - Holding) District modified, for Block "2"; from "C" (Urban Protected Residential, etc.) District to "G-1" - 'H' (Designed Shopping Centre - Holding) District modified, for Block "3"; from "C" (Urban Protected Residential, etc.) District modified to "G-1" - 'H' (Designed Shopping Centre - Holding) District modified, for Block "4", to permit development of the subject lands for a parking area and a non-retail use, Block "1"; and a commercial plaza, Blocks "2", "3" and "4", for the property located west of Upper James Street and east of West Fifth Street, the rear portion of 1187 West Fifth Street and 1514 Upper James Street (Block "1") and 1468-1500 Upper James Street (Blocks 2, 3, and 4), shown on the attached map marked as APPENDIX "B", on the following basis:

    a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until such time as:

        i) the applicant/owner has received approval of a storm water management study for Blocks "1" and "2" by the Commissioner of the Regional Environment Department; and,

ii) the applicant/owner has applied for and received approval of a Site Plan Control Application from the City of Hamilton for Blocks "1","2" "3' and "4";

Removal of the holding restriction shall be conditional upon completion of a storm water management study for Blocks "1" and "2" and a Site Plan Control Approval for Blocks "1","2", "3", and "4". City Council may remove the 'H' symbol, and thereby give effect to the "G-1" District provisions as stipulated in this By-law by enactment of an amending By-law(s) once these conditions are fulfilled.

b) That Block "1" be rezoned from "RT-20" (Townhouse-Maisonette) District modified to "G-1" - 'H' (Designed Shopping Centre - Holding) District;

c) That Block "2" be rezoned from "AA" (Agricultural) District to "G-1" - 'H' (Designed Shopping Centre - Holding) District modified;

d) That Block "3" be rezoned from "C" (Urban Protected Residential, etc.) District to "G-1" - 'H' (Designed Shopping Centre - Holding) District modified;

e) That Block "4" be rezoned from "C" (Urban Protected Residential, etc.) District modified to "G-1" - 'H' (Designed Shopping Centre - Holding) District modified;

f) That the "G-1" (Designed Shopping Centre) District regulations, as contained in Section 13A of Zoning By-law No. 6593, applicable to Blocks "1","2","3" and "4" be modified to include the following variances as special provisions:

i) That notwithstanding Section 13A.(1), only the following uses shall be permitted on Block "1":

1) a day nursery;
2) a business or professional person's office;
3) a private club;
4) a library/museum;
5) an art gallery; and
6) a commercial school.

ii) That notwithstanding Section 13A.(4)(a), a front yard of a depth of not less than 6.0 m shall be provided and maintained along the entire easterly boundary of Blocks "3" and "4";

iii) That notwithstanding Section 13A.(4)(b), no side yard shall be provided along the entire southerly boundary of Block "2";

iv) That notwithstanding Section 13A.(1)(x) and 13A.(1)(xii) of Zoning By-law No. 6593, only one (1) shopping centre identification sign or business identification sign that is a ground sign and having a vertical dimension of not more than 6.0 metres, an aggregate area of vertical projection of not more than 1.0 square metres per 0.5 metres of street frontage of the lot, and located not less than 4.5 m from the Upper James Street streetline shall be permitted;

v) That notwithstanding clause 2.(2) J.(xb) of Zoning By-law No. 6593, one (1) directional sign at each point of ingress and egress, and each said sign of a size not exceeding 1.2 square metres (12.92 square feet) shall be permitted;

vi) That no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination;

vii) That a minimum 6.0 m wide landscape area shall be provided and maintained along the entire easterly boundary of Blocks "3" and "4", except for any area used for driveway access;

viii) That a planting strip not less than 6.0 m in width and a visual/acoustical barrier between 1.8 m and 2.0 m in height shall be provided and maintained along the entire westerly lot line of Block "2", except for any area used for pedestrian access;

g) That a planting strip not less than 6.0 m in width and a visual/acoustical barrier between 1.8 m and 2.0 m in height shall be provided and maintained along the entire northerly and westerly lot lines of Block "1";

h) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1382, and the subject lands on Zoning District Map W-9D be notated S-1382;

i) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9D for presentation to City Council;

j) That the approved Mewburn Neighbourhood Plan be amended by:

1) redesignating Block "1" from "ATTACHED HOUSING" to "COMMERCIAL";
2) redesignating Block "2" from "ATTACHED HOUSING" and "NEIGHBOURHOOD COMMERCIAL" to "COMMERCIAL";
3) redesignating Blocks "3" & "4" - from "NEIGHBOURHOOD COMMERCIAL" to "COMMERCIAL";
4) adding a notation to the Plan indicating the applicable Urban Design Guidelines; and,
5) deleting the mid-block collector.

Amendments to the Neighbourhood Plan will be processed upon finalization of the implementing By-law;

k) That the proposed modifications in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 140 by the Regional Municipality of Hamilton-Wentworth.

C. The Planning and Development Department be authorized to hold a public meeting to consider changes to the land use patterns and internal road configuration in the approved Mewburn Neighbourhood Plan resulting from the removal of the mid-block collector.

4. DELEGATION

Dean Fisher, President, Pro- F.X. re: By-law exemption for 14 James Street North for a 3rd Party Sign

Mr. Fisher stated that he would like an exemption of third party signs for revenue generating purposes for Social Services.

Joanne Hickey-Evans advised that because there is advertising included it is a third party sign. There is not a problem with putting up a mural.

Mr. Abraham advised that an application for exemption for rezoning must first be made.

Len King stated that a number of companies have come forward with similar types of proposals. This should be dealt with as an individual zoning proposal.

Following discussion the Committee directed Mr. Fisher to meet with the Building Commissioner and Director of Planning and Development to put in an application for rezoning exemption should he wish to pursue this.

5. BUILDING COMMISSIONER (for discussion)

Fearman House, 90 Stinson St. - Building Permit for proposed Alterations and Additions (Information Report)

Len King stated since the last meeting new drawings were submitted by the applicants which comply to two family zoning. Subject to this the building permit was issued on May 9, 1997.

Alderman Drury stated that most two family homes do not have contracts with the Ministry of Housing and the Ministry of Health. The use is not a two family home.

Len King stated that the previous minutes do not indicate that the building permit is not to be issued. There is no applicable law in place not to grant the permit under the circumstances.

Alderman McCulloch stated that the people using the building are getting government funding. They also may be providing supervision and staff to some extent. If this is the case, they should apply to rezone as a residential care facility. Alderman McCulloch Reiterated that it is not a question of the drawing submitted but a question the use intended for the building. The issuance of the building permit is a disappointment especially to the neighbourhood groups and residents who have cooperated and have been patient with staff and the applicants.

Len King advised that the major obstacle is that there is no way to determine the definition of single family dwelling. He advised that he has been told by the applicants that the people who live there will operate their own facility.

Larry Harvey stated that supervision means that there has to be someone on site to see if people are fed, receive medication etc. In that case it would fall in the definition of a second level lodging house.

Peter Lampman stated that initially the plan showed an office and nursing stations which have now been taken out. A number of other changes were also made to the plans to conform for a two family home. Mr. King also advised that the applicant has also stated that any service required would be the same as a two family home, example a doctor being called in or a VON being called in.

The Committee agreed to hear from members of the public.

Brenda Mitchell Vice President of Stinson Neighbourhood Association was present. She issued a statement on behalf of the association which stated that the executive is distressed that the building permit has been issued and that they will not accept the decision and that the City has set a dangerous precedent allowing an unlicensed facility which is not responsible to the community. Len King pointed out that anyone may be take the Building Commissioner's decision to a court judge including Council. Following brief discussion the Committee resolved as follows:

That the Law Department be directed to provide a legal opinion with regard to the issuance of a building permit for 90 Stinson Street, and also with respect to options for legal action that can be taken regarding this matter.

6. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

The minutes of the meeting held 1997 May 7th were adopted as circulated.

THE FOLLOWING RECOMMENDATIONS WERE FORWARDED TO COUNCIL FOR APPROVAL:

B. BUILDING COMMISSIONER

(a) **359 Barton Street East, Commercial Loan Program dated, 1997 May 8th:**

(a) (i) That a secured loan in the amount of twenty-five thousand dollars ($25,000) to Cidalio and Maria DeOliveira, for improvements to 359 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars ($12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

(b) (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars ($5,000) to Cidalio and Maria DeOliveira, for improvements to 359 Barton Street East be approved, subject to fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars ($2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

(b) **360-362 Barton Street East, Commercial Property Loan Program dated 1997 May 5th:**

(a) (i) That a secured loan in the amount of twenty-five thousand dollars ($25,000) to Joao and Lucilia Ferreira, for improvements to 360-362 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars ($12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

(b) (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars ($5,000) to Joao and Lucilia Ferreira, for improvements to 360 - 362 Barton Street East be approved, subject to fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The

interest rate is set at 2.38 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars ($2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

(c) **184 Kensington Avenue North, Demolition under Planning Act, dated 1997 May 5th:**

(a) That the Building Commissioner be authorized to call tenders and subsequently proceed to have the building located at 184 Kensington Avenue North demolished and the site cleared to bring the property into compliance with City of Hamilton Property Standards By-law No. 94-185 and as authorized under The Planning Act, 1990 Subsection 20, Section 31 and specifically do the work required to comply with the Final and Binding Order; and,

(b) That the costs incurred for the demolition, levelling, and clearing of the lands together with administrative costs be added to the tax roll; and

(c) That the Building Commissioner be authorized to issue a demolition permit for 184 Kensington Avenue North in accordance with By-Law No. 74-290 pursuant to Section 33 of The Planning Act, as amended; and,

(d) That the attached by-law to authorize the demolition of all buildings and structures and the clearing of the lands be enacted by Council.

(d) **Added, 3 Dexter Avenue (previously tabled)**

That the Building Commissioner be authorized to issue a demolition permit for 3 Dexter Avenue in accordance with By-Law No. 74-290 pursuant to Section 33 of the Planning Act, as amended.

C. **DIRECTOR OF PLANNING AND DEVELOPMENT**

Proposed draft plan of condominium up by Benemar Construction Cranberry Village, 100 Wineberg Drive, 1889 Upper Wentworth Street dated 1997 May 12:

(a) That approval be given to application CDM-97-02 (Regional File 25CDM-97003), Benemar Construction, owner, to establish a draft plan of condominium "Cranberry Village", located at the south-east corner of Vineberg Drive and Upper Wentworth Street and known municipally as 100 Vineberg Drive (Phase 1) and 1889 Upper Wentworth Street (Phase 2), as shown on the attached map marked as APPENDIX "C", subject to the following conditions:

i) That this approval apply to the plan prepared by Sidney W. Woods Engineering Inc. and certified by L.G. Woods, O.L.S., dated March 12, 1997, showing a total of 28 residential townhouse units on Phase 1 and a total of 33 residential townhouse units on Phase 2 and revised as shown in red on APPENDIX "D";

ii) That the Final Plan of Condominium be in strict conformity with the Site Plan approved on April 21, 1997, under application DA-97-08. This shall include revision of the Plan, so that the location of the visitor parking spaces conform with the Approved Site Plan;

iii) That the applicant satisfy all conditions of Site Plan approval to the satisfaction of the City of Hamilton, and enter into a Site Plan agreement with the City, prior to registration of the Phase 1 Condominium;

iv) That the Phase 1 and 2 Condominium Corporations be required to enter into and register on title, prior to the sale of any unit in the respective Phase, the Agreement of the Condominium Corporation to assume and be bound by the Site Plan Agreement, to the satisfaction of the City Solicitor;

v) That rezoning application ZAC-95-19 to rezone the subject lands to "R-4" (Small Lot Single-Family Dwellings) District and associated draft plan of subdivision application SAC-94-05 (25T-94010) be withdrawn by the applicant, prior to the registration of Phase 1;

vi) That all the required easements shown on the Draft Plan, as redlined, over both Phase 1 and Phase 2 Condominiums, be registered prior to the final approval and registration of the Phase 1 Condominium;

vii) That all the internal roads, within Phase 1 and Phase 2, and the access onto Upper Wentworth Street and Vineberg Drive be constructed prior to the registration of the Phase 1 Condominium.

viii) That Committee of Adjustment application A-97-91 be finalized, prior to the registration of Phase 1.

ix) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton.

(b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Reports

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) City Solicitor re: Confidential Report on 97 Frid Street, Correspondence of Grant Howell, dated 1997 May 2

(b) Secretary LACAC re: Minutes of Meeting Held 1997 March 10, dated 1997 March 10

(c) Director of Public Works and Traffic re: Bill 106- Responses from Hamilton's Business Improvement Areas, dated 1997

(d) Building Commissioner re: Front Yard Parking Enforcement Procedure, dated 1997 May 2

(e) Building Commissioner and City Solicitor re: Garage Conversion/Occupancy at 189 Cline Avenue South, dated 1997 May 8

(f) Director of Planning and Development re: Site Plans for Approval, dated 1997 May 12

(g) Comment on City of Guelph Lodging House By-law Municipal Initiatives in the Westdale/West Hamilton Area, dated 1997 May 12

(h) Building Commissioner re: Building Department Quarterly Reports as at 1996 December 31, dated 1997 May 15

(i) Building Commissioner re: Building Department Quarterly Reports as at 1997 March 31, dated 1997 May 15

7. **OTHER BUSINESS**

None

8. **ADJOURNMENT**

There being no further business, the Committee meeting adjourned.

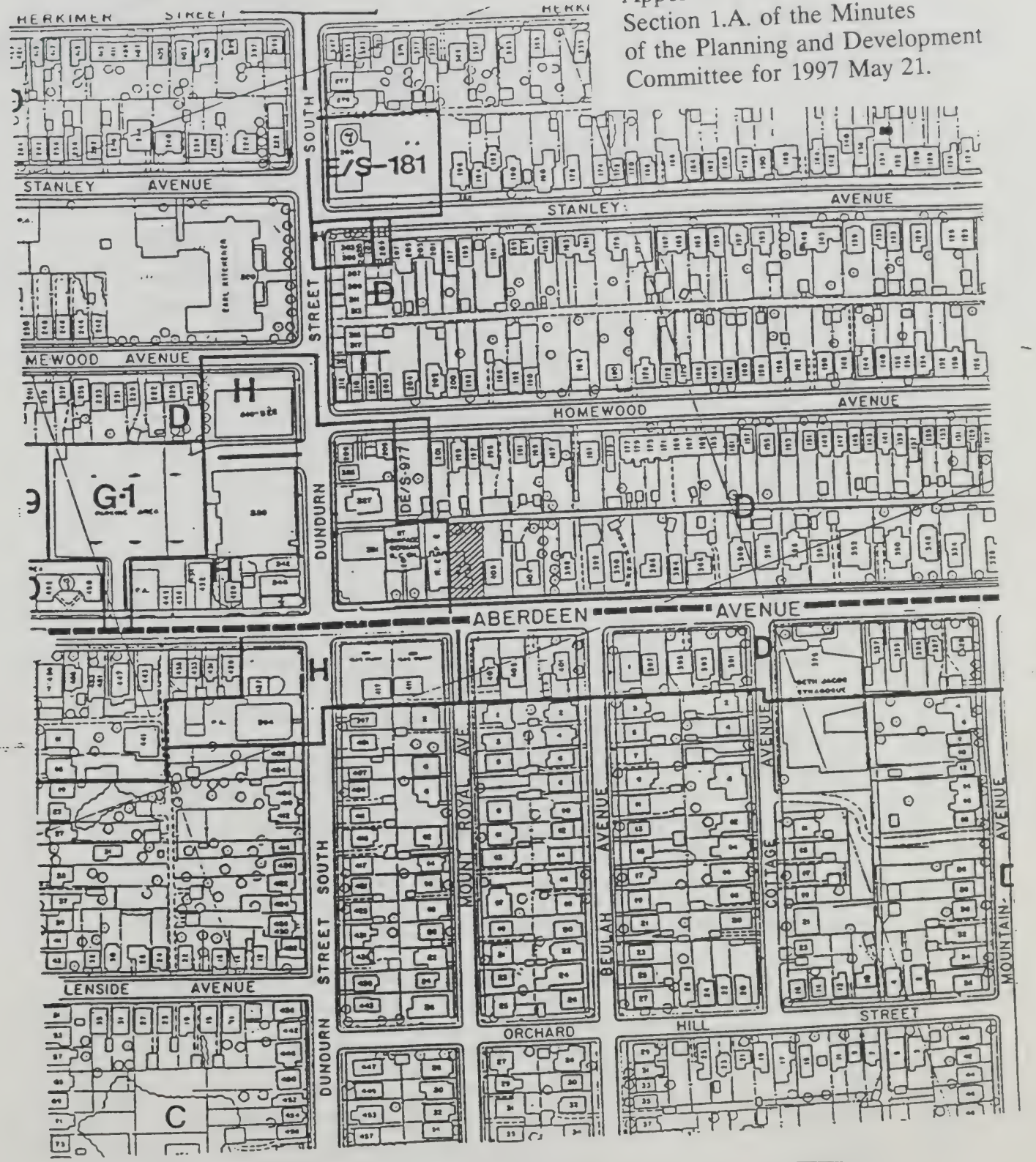
Taken as read and approved.

Alderman D. Drury, Chairman
Planning and Development Committee

Tina Agnello
Secretary

/tf

Appendix "A" referred to in
Section 1.A. of the Minutes
of the Planning and Development
Committee for 1997 May 21.

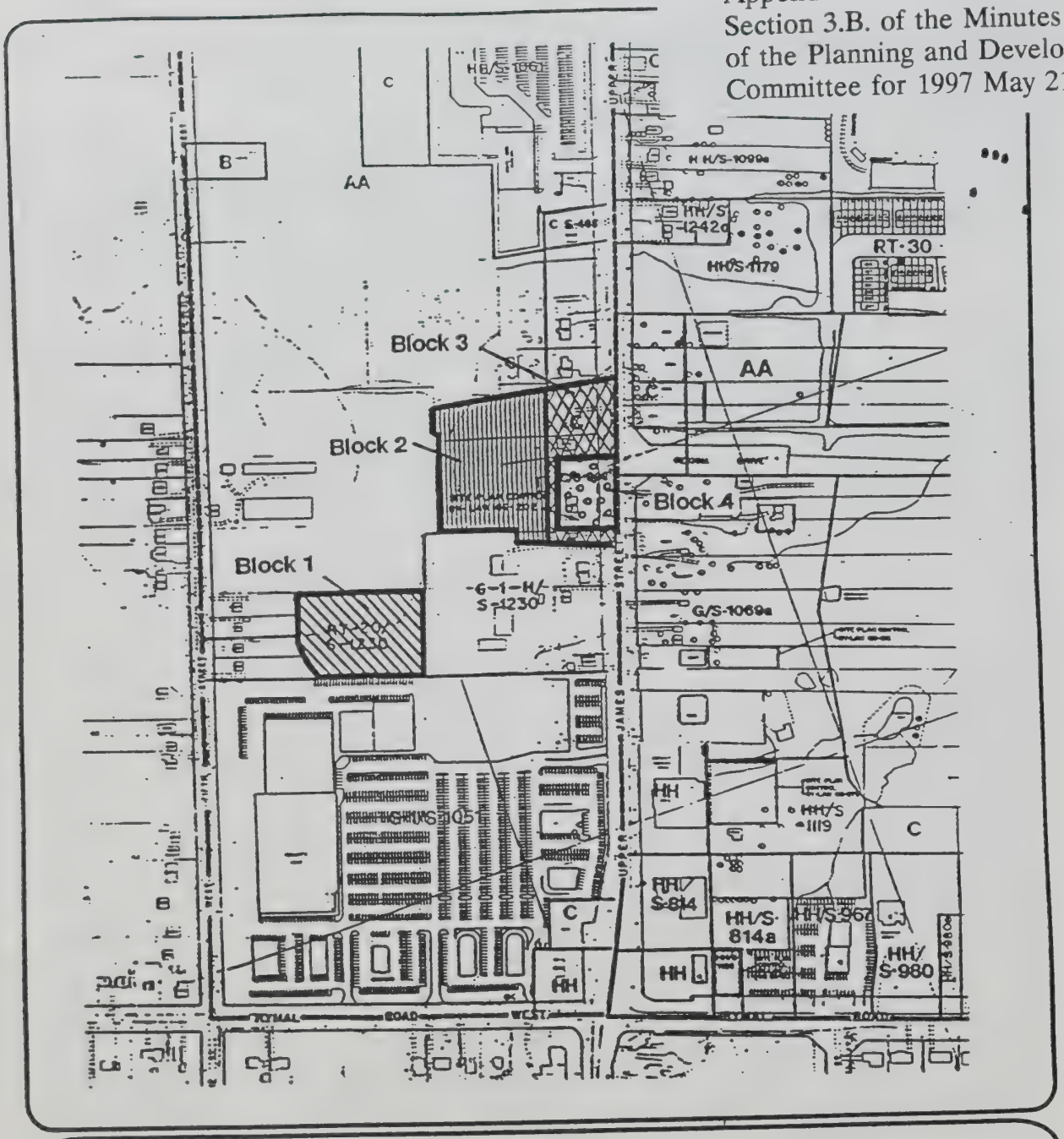


Legend

Site of the Application

ZAC-97-11

Appendix "B" referred to in
Section 3.B. of the Minutes
of the Planning and Development
Committee for 1997 May 21.



Legend

NORTH

ZAC-97-08

Block 1 — Change in zoning from:
From "RT-20"(Townhouse-Maisonette)District to "G-1" - 'H'
(Designed Shopping Centre - Holding)District Modified.

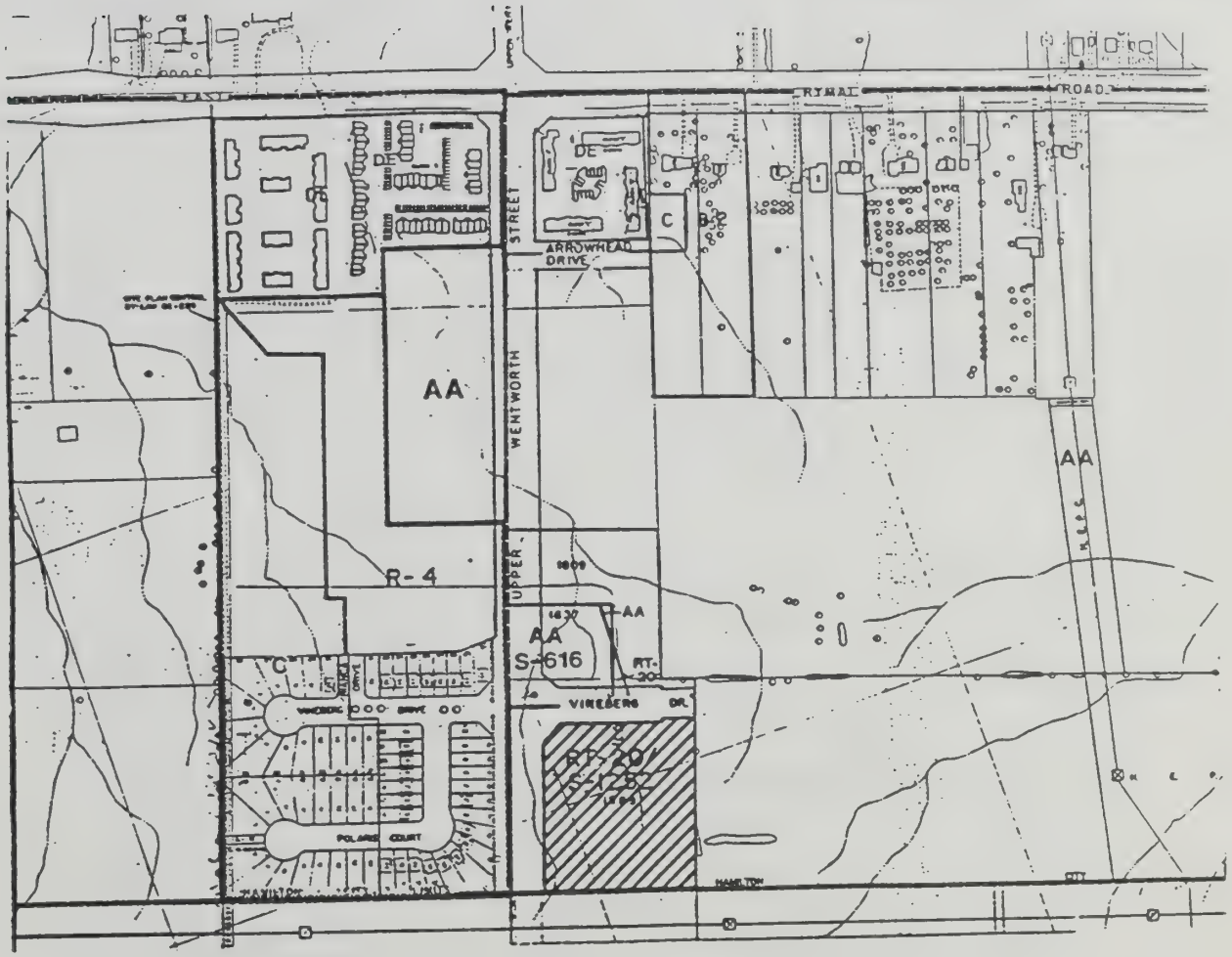
Block 2
From "AA"(Agricultural)District to "G-1" - 'H'
(Designed Shopping Centre - Holding)District Modified.

Block 3
From "C"(Urban Protected Residential, etc.)District to "G-1" - 'H'
(Designed Shopping Centre - Holding)District Modified.

Block 4
From "C"(Urban Protected Residential, etc.)District Modified to "G-1" - 'H'
(Designed Shopping Centre - Holding)District Modified.

APPENDIX

Appendix "C" referred to in
Section 6.C.(a) of the Minutes
of the Planning and Development
Committee for 1997 May 21.



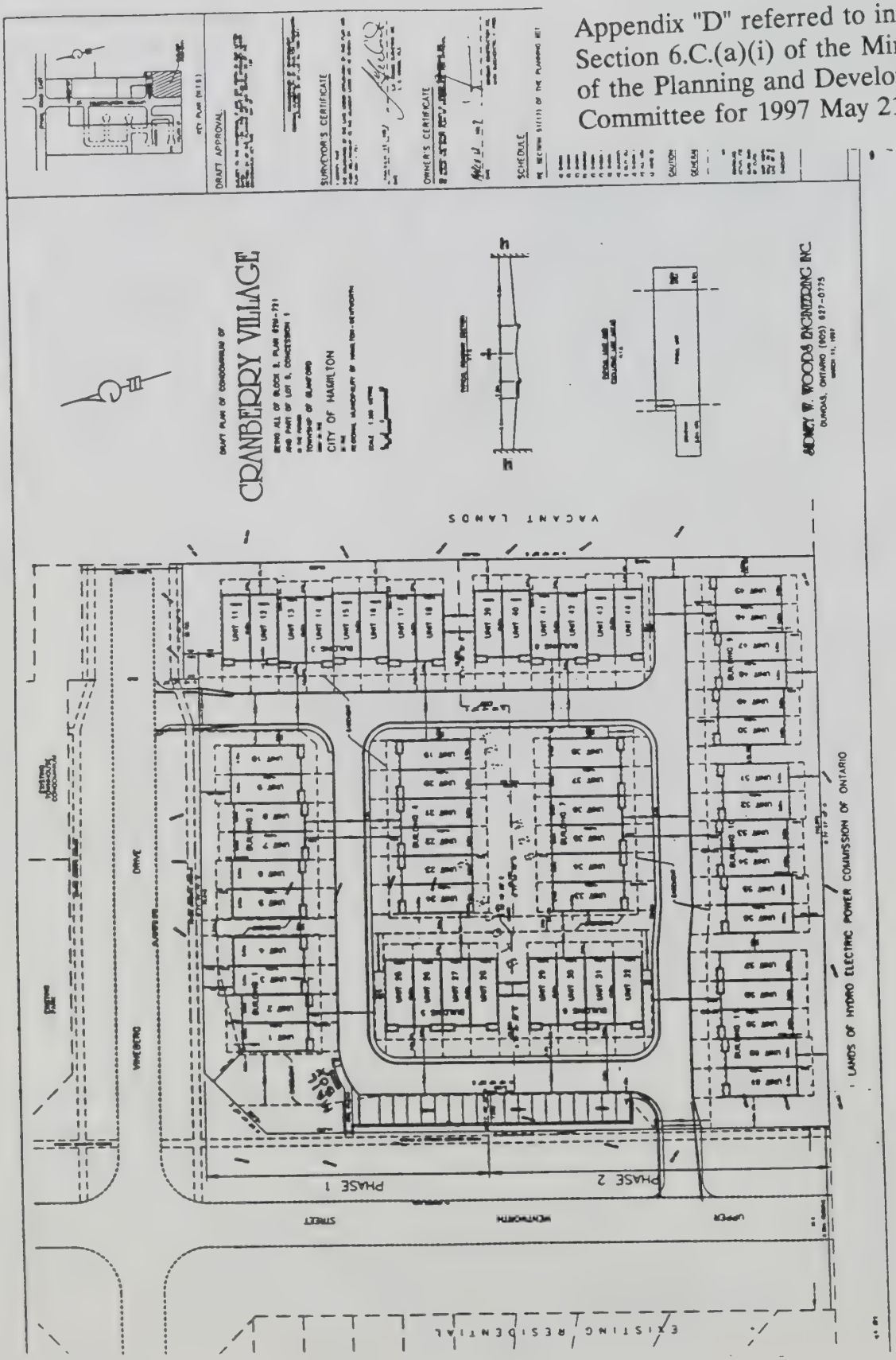
Legend

Site of the Application

CDM-97-02

APPENDIX

Appendix "D" referred to in Section 6.C.(a)(i) of the Minutes of the Planning and Development Committee for 1997 May 21.



Tuesday, 1997 May 27
6:00 o'clock p.m.
Room 233, City Hall

Ab

The Planning and Development Committee met in Special Session

There were present:	Alderman D. Drury, Chairman Alderman F. D'Amico, Vice-Chairman Alderman W. McCulloch Alderman G. Copps Alderman B. Charters Alderman M. Caplan Alderman F. Eisenberger Alderman H. Merling
Regrets:	Mayor R. Morrow, Civic Business
Also Present:	Alderman V. Agro Alderman D. Ross Alderman M. Kiss Alderman B. Morelli Alderman C. Collins Alderman T. Jackson Victor Abraham, Director of Planning and Development Patrice Noé Johnson, City Solicitor Tina Agnello, Secretary

1. **PRIVATE & CONFIDENTIAL AGENDA**

City Solicitor - Fearman House, 90 Stinson Street

The Committee adjourned into closed session to discuss matters of potential litigation and reconvened immediately thereafter with the following report:

The Committee resolved as follows:

> That the Building Commissioner notify the permit holder of 90 Stinson Street that the Building Permit authorizes only the construction as two Class "A" Dwelling Units; and, in order to ensure the certainty of operational plans and given the exchange of information to date, the permit holder also be requested to advise the City of its agreements with other levels of government for the operation of this facility at this site.

2. **ADJOURNMENT**

The Committee meeting adjourned.

Taken as read and approved.

Alderman D. Drury, Chairperson
Planning and Development Committee

T. Agnello
Secretary
/jt

Ba)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 June 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: International Village Business Improvement Area -
Installation of Mural - Commercial Improvement Program.

RECOMMENDATION:

That the City of Hamilton support the International Village B.I.A.'s decision to hire E. Kowalksi to prepare, create and install a mural at 245 King Street East, depicting the 1953 train derailment at Ferguson Avenue and King Street East, and that a purchase order be issued in the amount of $7,090. utilizing the previously approved monies from the Commercial Improvement Program.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The total cost of the project is $7,090. City Council at its meeting held 1995 December 12 approved the amount of $7,142. towards a mural within the International Village B.I.A. utilizing the Commercial Improvement Program Account Number CF 5698-428705005.

An Agreement between the International Village B.I.A. and the owner of 245 King Street East will be the responsibility of the B.I.A. The City of Hamilton will not be a third party. Staff from the Public Works and Traffic Department will ensure that this Agreement is in place prior to issuing a purchase order.

The International Village B.I.A. presently has $5,000,000. liability insurance indemnifying the City and the Region. The B.I.A. will arrange for the necessary rider to the insurance policy for the mural creation as well as the ongoing mural liability. Staff from the Public Works and Traffic Department will ensure that the rider is in place prior to a purchase order being issued.

A letter advising of the above commitments from the International Village B.I.A. is attached as Schedule 'A'.

The artist will be required to produce the appropriate Workmens Compensation information prior to a purchase order being issued.

The Public Works and Traffic Department will provide a Barricade Permit to the artist during the creation of the mural.

There are no staff implications for this project.

BACKGROUND:

Subsequent to City Council's approval on 1995 December 12 for the expenditure of $7,142. under the Commercial Improvement Program towards a mural within the International Village B.I.A., staff from the Public Works and Traffic Department and the Culture and Recreation Department met with the B.I.A. to discuss an appropriate location and theme for a mural. Given the historical significance of the Ferguson Avenue Corridor, the B.I.A. requested that a mural depicting the 1953 train derailment at Ferguson Avenue and King Street East, be created and installed at an appropriate location.

A local artist, E. Kowalski, was contacted by the B.I.A. and the Arts Co-ordinator, to conduct research on the train derailment and requested to submit a rendering of the mural to the B.I.A. for the Board's approval. The rendering (attached as Schedule 'B') was subsequently approved by the International Village B.I.A.'s Board of Management. A quote was also obtained from the artist (attached as Schedule 'C').

Local artists have previously been commissioned to produce numerous murals under the Barton Street Revitalization Project. Given this precedent and, due to the fact that E. Kowalski has carried out research and produced artwork for the mural, staff recommend that he be hired to create the mural given his expertise within this field.

DL:HM:hm
P&D.IntMural

c.c. C. Firth-Eagland, Manager of Streets and Sanitation
C. York, Culture and Recreation
C. Rendell, Treasury Department

SCHEDULE 'A'

Hamilton's
INTERNATIONAL
Village
Business Improvement Area

King St. E.
between
Wellington
& Mary

FAX 546-2443

Box 91220 Effort Sq. P.O.
Hamilton, Ontario L8N 4G4

June 11th, 1997

Mrs. Hazell Milsome
Community Renewal Co-ordinator
Parks Divison
Department of Public Works
City of Hamilton
71 Main Street West
HAMILTON, Ontario

Dear Hazell:

This will confirm our Board Meeting of June 5th, 1997 at which time the following was agreed .....

a) International Village BIA will enter into an agreement with the owner of the building at 245 King Street East for the installation of a mural on the east wall of the building.

b) International Village BIA will enter into a contract with the provider of the mural

c) That International Village will provide the City of Hamilton with a letter from it's insurance company holding the City and the Region harmless of liability for this installation. International Village currently as $5 Million liability for such purposes.

d) International Village will maintain the mural.

We look forward to this wonderful addition to our neighbourhood. As you know, the content of this mural is of historical significance to our area, that being the CNR derailment at or very near this location on May 27th, 1953. Trains were a big part of our history.

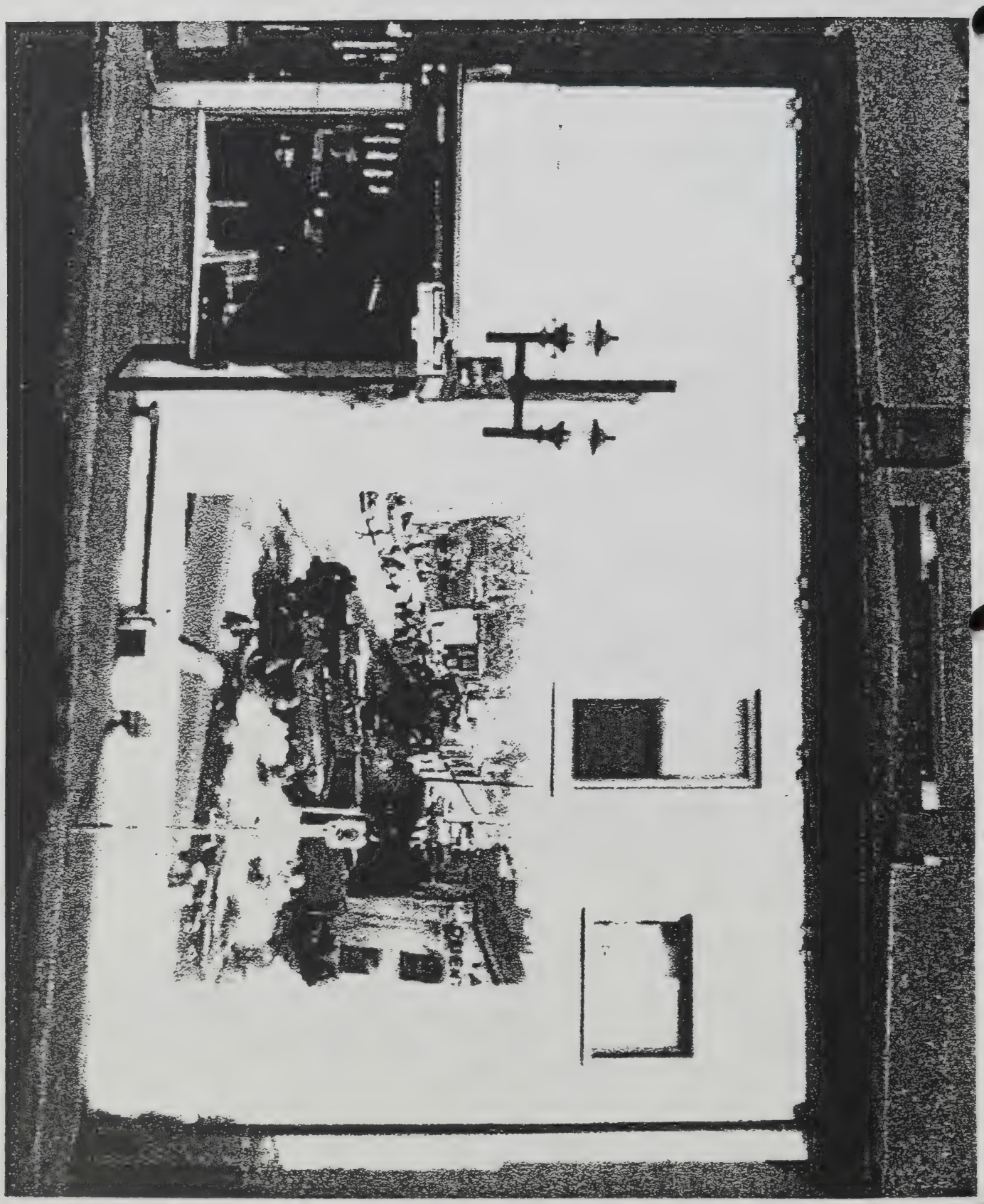
Sincerely,

INTERNATIONAL VILLAGE BIA

Mary Pocius

Mary M. Pocius
Executive Director for International Village Board of Management.
cc: Board.

SCHEDULE 'B'



SCHEDULE C

Budget for the production of "Train Derailment" Mural on the side of the Holy Rosary Store, King St. and Ferguson

This is an initial budget for the production of a sixteen foot wide, twelve foot high mural, to be painted on site, on crezone panelling, mounted on understrapping, on a prepared, repainted lower section of the east wall.

Materials

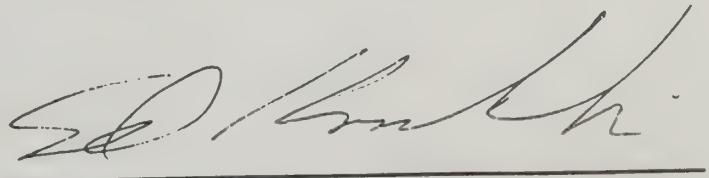
Base Paint/Primer	10 gallons @ 30$/per	$300
Artist's Lightfast Paint	15 units @ 50$/per	$750
Artist's Brushes and tools	10 units @ 25$/per	$250
Crezone Panelling	6 panels @ 85$/per	$510
Understrapping (Pine)	120' of 2 x 4 @.80$/ft	$100
Fasteners (Upat Hammer Screws) Box of 100		$100
Hardware, Cleaning Tools, Tape		$220
Scaffolding	6 frames, 5 braces, 4 castors, 3 platforms rented for the month of July	$200
Generators, Compressors, Ladders, Overhead Projector		$200
		$ 60
subtotal		**$2690**

Labour

Wall Prep and Paint	20 hrs @ 15$/hr	$300
Panel Prep and Installation	30 hrs @ 20$/hr	$600
Image Modification/ Linear	20 hrs @ 20$/hr	$400
Administration	5 hrs @ 20$/hr	$100
Projecting, Rendering, and Airbrushing	100hrs @ 30$/hr	$3000
subtotal		**$4400**

Total **$7090**

The above budget is sufficient to cover the normal expenses required to complete production of a high quality photographic mural 16' x 12',



Signature of Artist/Project Manager, Edward Kowalski

B 5)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 June 6

JUN 0 9 1997

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: Barton Village Business Improvement Area (B.I.A.) - Amendment to Appropriate By-laws.

RECOMMENDATION:

That By-law #96-019 respecting the designation of the Barton General B.I.A., By-law #97-54 respecting the Members of the Board of Management of the Barton General Business Improvement Area, and By-law #97-090 authorizing a special charge in respect of the Barton General B.I.A., be amended to read "The Barton Village Business Improvement Area", in accordance with the B.I.A.'s decision to change its name as part of its marketing strategy.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Barton General B.I.A. is presently developing a marketing strategy to complement the various components under the Barton Street Revitalization Project. The B.I.A. held a marketing workshop in February 1997 resulting in a survey being distributed to its general membership on the re-naming of the B.I.A. The majority of the merchants that responded to the survey identified "The Barton Village B.I.A." as their preferable choice. The Barton General B.I.A.'s Board of Management discussed the results of the survey at its meeting held 1997 May 28 and subsequently approved the name change.

DL:HM:hm
P&D.BartonName

c.c. Keith Cody, Chairman, Barton Village B.I.A.

Patrice Noé Johnson, City Solicitor
Attn: Art Zuidema, Solicitor

B c)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 June 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: Departmental Support for Business Improvement Areas (B.I.A.)

RECOMMENDATION:

(a) That the City Clerk be authorized to prepare a model constitution for presentation to all BIA's for their consideration;

(b) That the City Clerk or designate attend each BIA's Annual General Meeting and conduct the elections for their respective Boards of Management if requested;

(c) That the City Clerk or designate attend the first meeting of each newly elected Board of Directors following each Annual General Meeting and conduct a Parliamentary Procedure Seminar for the Board members if requested; and

(d) That the City Clerk be authorized to provide advice to Community Renewal Officers on procedural issues as and when requested.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no anticipated implications stemming from this set of recommendations other than the potential efficiencies that may be derived from increased opportunities to bring a consistent format and structure to the organizational and procedural activities of B.I.A.'s.

BACKGROUND:

Designation of Business Improvement Areas

The concept of designating a specific commercial zone as a "Business Improvement Area" was originally started during the late sixties when municipalities were given the authority to do so. This provided local businesses a mechanism to upgrade their business area by requesting their local Council to designate their area as a Business Improvement Area pursuant to section 220 of The Municipal Act.

This concept facilitates the creation and maintenance of a communications network between affected business and establishes a bridge between these business areas and City Hall. By "banding together", merchants have the opportunity of increasing their marketability and establishing programming aimed at producing co-ordinated streetscape improvements and promotions.

Role of the Community Renewal Section, Public Works and Traffic Department

The Community Renewal Staff work with affected business groups through the BIA designation process. Once the designating by-law has been passed, staff continue to liaise on a daily basis, however the degree of involvement varies depending on the in house capability of the B.I.A. In general the Community Renewal Officer participates in the following areas:

-attendance at all Board of Management meetings held monthly
-assisting in many economic development ventures such as filling building vacancies
-providing resources
-assisting with the structure of meetings
-problem solving with individual business owners
-assisting with developing and implementing a strategic plan for their area
-assisting and developing a marketing plan for the area
-public relations with community groups abutting BIA areas
-special event planning
-Community Renewal Staff is a liaison for the business district to the various Departments and Ward Aldermen advising them of the regular BIA activities This section works closely with the Economic Development Department, Planning Department, and recently the City Clerk's Department to achieve the utmost in services for the businesses in the Business Improvement Areas.

The Commercial Improvement Programme which was established in 1987 to fund streetscaping improvements on publicly owned lands within Hamilton's BIA's is administered by Community Renewal. These improvements have included such items as benches, banners, planters, decorative light fixtures, decorative poles, alley lighting and paving, garbage containers and mural programs. The initial program represented an investment of $2,500,000.00 million, phased over a 5 year period

The B.I.A. Co-ordinating Committee

The BIA Co-ordinating Committee evolved from the Downtown Action Plan Committee. This Committee is presently chaired by Alderman McCulloch and meets once a month. These meetings provide an opportunity for all seven BIA's and Business Associations to address common issues such as constitutions, maintenance of street furniture, city policies, general business issues, legislative concerns and parking.

While Community Renewal staff are able to deal directly with most issues, there are occasions where advice and expertise from the City Clerk's Department is required regarding meeting procedures, constitution interpretation, disbandment issues, interpretation of the Municipal Act, etc. In the past, these issues were often addressed by Ministry staff and/or Ontario Downtowns, however, due to downsizing and restructuring at the Provincial Government level these resources are no longer available.

The Proposed Role of the City Clerk's Department

To date, the role of the City Clerk's Department as it relates to the BIA's, has been intermittent and without any council approved mandate to supply services to the B.I.A.'s. This has resulted in some inconsistency as far as individual B.I.A.'s being able to readily access the expertise of the Clerk's Department staff and variances therefore exist in areas where B.I.A. operations could be more uniform. In this regard, assistance could be beneficial in preparing a model constitution that would assist the BIA's with clear and formal guidelines for operation. Also, attendance at Annual General Meetings for each BIA to help conduct the Board of Management elections and approval of the next year's budget would be useful if deemed necessary by the B.I.A.. This would ensure that all procedures are conducted properly and consistently for all B.I.A.'s.

Summary

Since the formation of each of our seven B.I.A.'s and their respective Board of Management,the effort has been to help each to be successful in serving the needs of the community. Without ongoing assistance from city staff as outlined above, the BIA's are unable, in some instances, to function efficiently and achieve the objectives they were created for. Staff are confident, that approval of this recommendation will lead to a higher level of efficiency and co-operation and subsequently a higher probability for success for each B.I.A..

biareport.may.97
jp:JP

cc. Law Department, Patrice Noé-Johnson City Solicitor
City Clerks Department,
Attention: Stan Hollowell, Manager of Administrative Services

Cal

CITY OF HAMILTON

- RECOMMENDATION -

JUN 10 19[illegible]

DATE: 1997 June 3

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

ROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Program (H.E.L.P)
(97.2.4.2.1.A)

RECOMMENDATION:

That the Hamilton Emergency Loan Program (H.E.L.P) be amended to reduce the established interest rate from eight percent (8%) per annum to two percent (2%) per annum for new applications with the maximum permissable loan remaining at $2,000.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The reduction in interest rate from 8% to 2% on each maximum $2,000 loan reduces interest receivable from $433 to $103 per loan over the five (5) year term, for those applicants who do not get rolled over to the RRAP program.

However, approximately 75% of all applicants in the past have quickly had their loans repaid with no interest cost to themselves, by being included in the Federal RRAP Program. As a result, it is anticipated that the real cost of the interest reduction will be minimal to either party.

BACKGROUND:

The City of Hamilton has in place an Emergency Loan Program which provides immediate financial assistance to owner/occupants of residential units in need of repairs of an emergency nature.

.../2

In order to be eligible, the applicant has to qualify under the Federally sponsored Residential Rehabilitation Assistance Program. A maximum loan of $2,000 can be approved providing the emergency falls under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application is to be processed within forty-eight (48) hours and secured by a promissory note. Formal Committee and Council approval is then obtained upon completion.

During a recent review of the program, staff have concluded that while the program has been very helpful to low income homeowners, the interest rate is high relative to both, other programs, and the current interest rate climate.

Staff, therefore, recommends that a reduction of the current 8% interest rate to 2%, will benefit the individuals applying for assistance under the H.E.L.P. Program, making it affordable to access funding for emergency repairs. This also benefits the City because homes that are uninhabitable and do not meet the Property Standards By-law contribute to blight in neighbourhoods.

LCK/MM/dk

c.c. R. Camani, Treasury Department
D. Powers, Law Department

(b)

CITY OF HAMILTON

- RECOMMENDATION -

JUN 10 1997

DATE: 1997 June 5

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
626 BARTON STREET EAST - Tag Number 10803
(97.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 626 Barton Street East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: H

PRESENT USE: Vacant - Commercial on 1st Floor with 1 Residential Unit Above

PROPOSED USE: Vacant Land

BRIEF DESCRIPTION: The owner wishes to demolish the 3 storey brick building that was badly damaged due to a fire of April 7, 1997. The building is located in the Gibson Neighbourhood. The owner at this time is proposing to leave the land vacant and the applicant has stated that the land will not be used for a parking lot. As of today's date, there are no applications to the Committee of Adjustment. No LACAC interest. Lot size 18.5' x 104.00'.

The owner of the property and applicant as per the demolition permit is:

Gerba Truszkowski and Helen Brown
c/o Paul Restorations
1640 Upper Ottawa Street
Hamilton, Ontario L8W 3P2

FP/zr

(c)

CITY OF HAMILTON

- RECOMMENDATION -

JUN 1 0 1997

DATE: 1997 June 3

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
290 LAKE AVENUE NORTH - Tag Number 97572
(97.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 290 Lake Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: JJ

PRESENT USE: Vacant Single Family Dwelling

PROPOSED USE: Church (Sikh Temple)

BRIEF DESCRIPTION: The owner wishes to demolish the existing one storey protected frame single family dwelling. The building is located in the Grayside Neighbourhood. The owner obtained a building permit November 2, 1994 to erect a new church on the property. Committee of Adjustment approved a church with a side yard of 3.0m under decision A-93:68. No LACAC interest. Lot size 80.0' x 439.9'.

The owner of the property and applicant as per the demolition permit is:

Ramgarhia Association
290 Lake Avenue North
Hamilton, Ontario L3E 3Y3

FP/zr

(d)

CITY OF HAMILTON

- RECOMMENDATION -

JUN 10 1997

DATE: 1997 June 5

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Commercial Property Improvement Loan Program (CPILP)
355 Barton St E (97.2.4.2.1.A, 97.2.14)

RECOMMENDATION:

(a) (i) That a loan increase of one thousand, eight hundred and sixty-four dollars ($1,864) to Peter and Gilberta Oliveira for improvements to 355 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The total loan is now $17,288. The interest rate is set at 2.38 per cent, amortized over ten years; and,

(ii) That an increase in grant from the Barton Street Revitalization Fund in the amount of nine hundred and thirty-two dollars ($932) be approved to pay-down the increase of the Commercial Loan as per the terms of the Barton Street Revitalization Program.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

City Council at their meeting held 1997 March 25 approved a loan application under the subject program in the amount of $15,424. Subsequently, the applicant has met the criteria for additional work costing $1,864. The Building Department, Housing and Loans Division, therefore recommends increasing the owner's application to a maximum loan of $17,288. Grant portion $8,644. Security: Promissory note and lien. The loan is to be amortized over 10 years at 2.38 percent interest with a monthly payment of $161.90.

LCK/MM/dk

c.c. R. Camani, Treasury Department
D. Clarke, Building Department
D. Powers, Law Department

Da)

CITY OF HAMILTON

- RECOMMENDATION -

JUN 1 1 1997

DATE: June 5, 1997
CDM-97-01
Mountview Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Draft Plan of Condominium
"Bungalows at Chedoke"

RECOMMENDATION:

(A) That approval be given to application CDM-97-01 (Regional File 25CDM-97002), The Bungalows at Chedoke Limited Partnership, owner, to establish a draft plan of condominium "Bungalows at Chedoke", located south of Chedmac Drive and west of Rice Avenue and known municipally as 60 Rice Avenue, as shown on the attached map marked as APPENDIX "A", subject to the following conditions:

i) That this approval apply to the plan prepared by J.D. Barnes Ltd. and certified by S.J. Balaban, O.L.S., dated January 27, 1997, showing a total of 41 residential townhouse units;

ii) That the Final Plan of Condominium be in conformity with the Site Plan approved on April 27, 1995 under application DA-94-33;

iii) That the applicant satisfy all conditions of Site Plan application DA-94-33 to the satisfaction of the City of Hamilton, prior to final approval of the Plan of Condominium; and,

iv) That the following warning clause be registered on title for Units 15 - 28 inclusive, to the satisfaction of the Director of Planning and Development and the City Solicitor:

"Purchasers and/or tenants are advised there is a Laundry facility located to the west of this property which services a number of hospitals."

v) That the following warning clause be registered on title for Units 1, 2, 3, 4, 5, 6 and 41, to the satisfaction of the Director of Planning and Development and City Solicitor:

> *"This unit has been fitted with forced air heating with rough-in provisions made to accommodate central air conditioning at a later date (Note: air cooled condensing unit shall be located in a noise insensitive area)."*

vi) That the owner(s) enter into a Joint Sewer Service Agreement for the shared services (storm and sanitary sewers) with the Region, to the satisfaction of the Commissioner of the Regional Environment Department for Phase 1 of the Plan of Condominium or that the owner provide proof that private easements have been Registered on Title in favour of the remaining lands in order to provide for sewer servicing and vehicular as well as pedestrian access for the future second phase of development.

vii) That the owner provide proof, to the satisfaction of the Director of Planning and Development and the City Solicitor, that private easements have been Registered on Title in favour of the remaining lands in order to provide for vehicular as well as pedestrian access for the future second phase of development.

viii) That the Condominium Corporation be required to enter into and register on title the Agreement of the Condominium Corporation to assume and be bound by the Site Plan Agreement.

ix) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton.

(B) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

The Bugalows at Chedoke Limited Partnership, owner.

Agent:

J.C. Pelech, Pelech,. Otto & Powell.

Surveyor:

S.J. Balaban O.L.S., J.D. Barnes Ltd.

Location:

The lands, comprising 1.78 ha., are located south of Chedmac Drive and west of Rice Avenue in the Mountview Neighbourhood, and are known municipally as 60 Rice Avenue (see APPENDIX "A").

Proposal:

The owner is proposing a 41 unit condominium townhouse development (see APPENDIX "B"). The development consists of six (6) buildings and are presently under construction.

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban Area" of the Hamilton-Wentworth Official Plan (HWOP). The proposal conforms with the HWOP.

Hamilton Official Plan:

The subject lands are designated "Residential". The proposal complies with the intent of the Official Plan.

Neighbourhood Plan:

The subject lands are designated "Attached Housing" in the approved Mountview Neighbourhood Plan. The proposal complies with the Neighbourhood Plan.

Zoning:

The subject lands are zoned "DE" (Low Density Multiple Dwellings) District, modified. The proposal complies with the zoning by-law.

Site Plan:

The proposed condominium development was the subject of Site Plan Control Application DA-94-33 that was approved on April 27, 1995. The Site Plan Agreement was registered on title on November 21, 1996.

The approved site plan is for 81 units to be developed in two phases (41 units in phase 1 and 40 units in phase 2). It is noted that the building footprints for units 1-8 and 9-14 deviate from the approved site plan. The approved site plan establishes minimum yard requirements. The proposed plan of condominium complies with or exceeds the minimum yard requirements shown on the approved site plan. As such, the structure conforms in principle with the approved plans of DA-94-33.

COMMENTS FROM CIRCULATION:

The following agencies had no comments or objection:

- Hamilton Region Conservation Authority;
- Ontario Hydro; and,
- Department of Public Works and Traffic.

The Building Department advised that:

"1. This development consists of six (6) buildings containing a total forty-one (41) townhouse dwelling units, which are presently under construction.

2. This development must conform to the approved Site Plan Application DA-94-33 and registered agreements."

The Regional Environment Department advised that:

"FOR INFORMATION:

1. A Municipal watermain is available and is of sufficient size and capacity to service this development directly. The Permit for construction to the Municipal water distribution for Phase 1 has been issued. Future Phase 2 will be serviced independently, therefore, a Joint Water Services Agreement will not be required between Phase 1 and 2.

2. Municipal storm and sanitary sewers are available and are of sufficient size and capacities to service this development. The Permit for the connection to the Municipal storm and sanitary sewer systems has been issued.

3. There are no road widenings required in connection with this Phase of development.

4. There will be no Regional share of services to be installed within this development.

z 5. The storm and sanitary sewers as well as the watermains for this phase have been installed. A joint Sewer Service Agreement will be required for this condominium application for the shared sewer services at some point in the future. We do not require that the owner(s) enter into the Joint Sewer Service Agreement at this time provided that the owners supply proof to our Department, that easements have been Registered on Title in favour of the remaining lands for access and servicing.

A Joint Sewer Service Agreement will be required prior to the registration of Phase 2. If the owner(s) enter into the Joint Sewer Agreement now it would expedite the registration of Phase 2 by avoiding dealing with multiple owners in the future (ie the residents of the condominium).

RECOMMENDATIONS:

1. That the owner(s) enter into a Joint Sewer Service Agreement for the shared services (storm and sanitary sewers) with the Region, to the satisfaction of the Commissioner of the Regional Environment Department for Phase 1 of the Plan of Condominium or that the owner provide proof that private easements have been Registered on Title in favour of the remaining lands in order to provide for sewer servicing and vehicular as well as pedestrian access for the future second phase of development.

The submitted plan as prepared by S. Balaban, O.L.S., and dated January 23, 1997, is satisfactory to the Regional Environment Department, subject to the above-noted comments and recommendations."

The Regional Environment Department, Development Division advised of the following:

"The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. Since the proposed residential development is within 300 metres of a Class 2 industry with potential noise impacts, the application requires further demonstration of how it has regard for the PPS.

Therefore, prior to the final approval of the plan, the following condition must be

satisfied:

1) That the owner/developer shall investigate the noise levels for the proposed development, and determine the noise control measures which are satisfactory to the Regional Environment Department. A noise feasibility study prepared by a qualified Professional containing an estimate of the extent of the physical control measures to be implemented shall be submitted in duplicate to the Regional Environment Department for review and approval.

   Should the noise feasibility study demonstrate the potential for significant noise impacts, the Region shall require the owner/developer to prepare and submit a detailed acoustical report prepared by a qualified Professional prior to final approval.

It is our understanding that a "Noise Impact Assessment Report - Mohawk Hospital Services" dated February 29, 1996, by Aer1coustics Engineering Ltd., which included recommendations to address noise impacts on the proposed development, was submitted and reviewed by the Ministry of Environment and Energy. These recommendations should be incorporated in the final approval of the proposed plan of condominium and /or site plan agreements."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. The proposal complies with the approved Mountview Neighbourhood Plan.

3. The proposal complies with the regulations of the "DE" (Low Density Multiple Dwellings) District, modified, in the City of Hamilton Zoning By-law No. 6593.

4. The proposal complies with the approved site plan. However, it is appropriate that the proposed plan of condominium be approved subject to the condition that the applicant satisfy all of the conditions of Site Plan application DA-94-33.

5. The applicant has submitted a "Noise Impact Assessment Report - Mohawk Hospital Services" dated February 29, 1996, by Aercoustics Engineering Ltd., in support of their application. The noise study includes recommendations to address noise impacts on the proposed development. These recommendations should be incorporated in the final approval of the proposed plan of condominium. Specifically, the following is required:

   For Units 15 - 28 inclusive, the following warning clause should be registered on title:

   "Purchasers and/or tenants are advised there is a Laundry facility located to the west of this property which services a number of hospitals."

The noise impact study recommended that a acoustical barrier be constructed for Units 1 and 2. The approved site plan provides for a 1.8 m high acoustical fence for the rear privacy areas for Units 1 and 2. Therefore, it is not necessary to require an acoustical barrier as part of the condominium approval.

For Units 1, 2, 3, 4, 5, 6 and 41, the following warning clause should be registered on title:

> "This unit has been fitted with forced air heating with rough-in provisions made to accommodate central air conditioning at a later date (Note: air cooled condensing unit shall be located in a noise insensitive area)."

CONCLUSIONS:

On the basis of the forgoing, the proposed plan of condominium can be supported.

SR\sr
CDM97-01.RPT

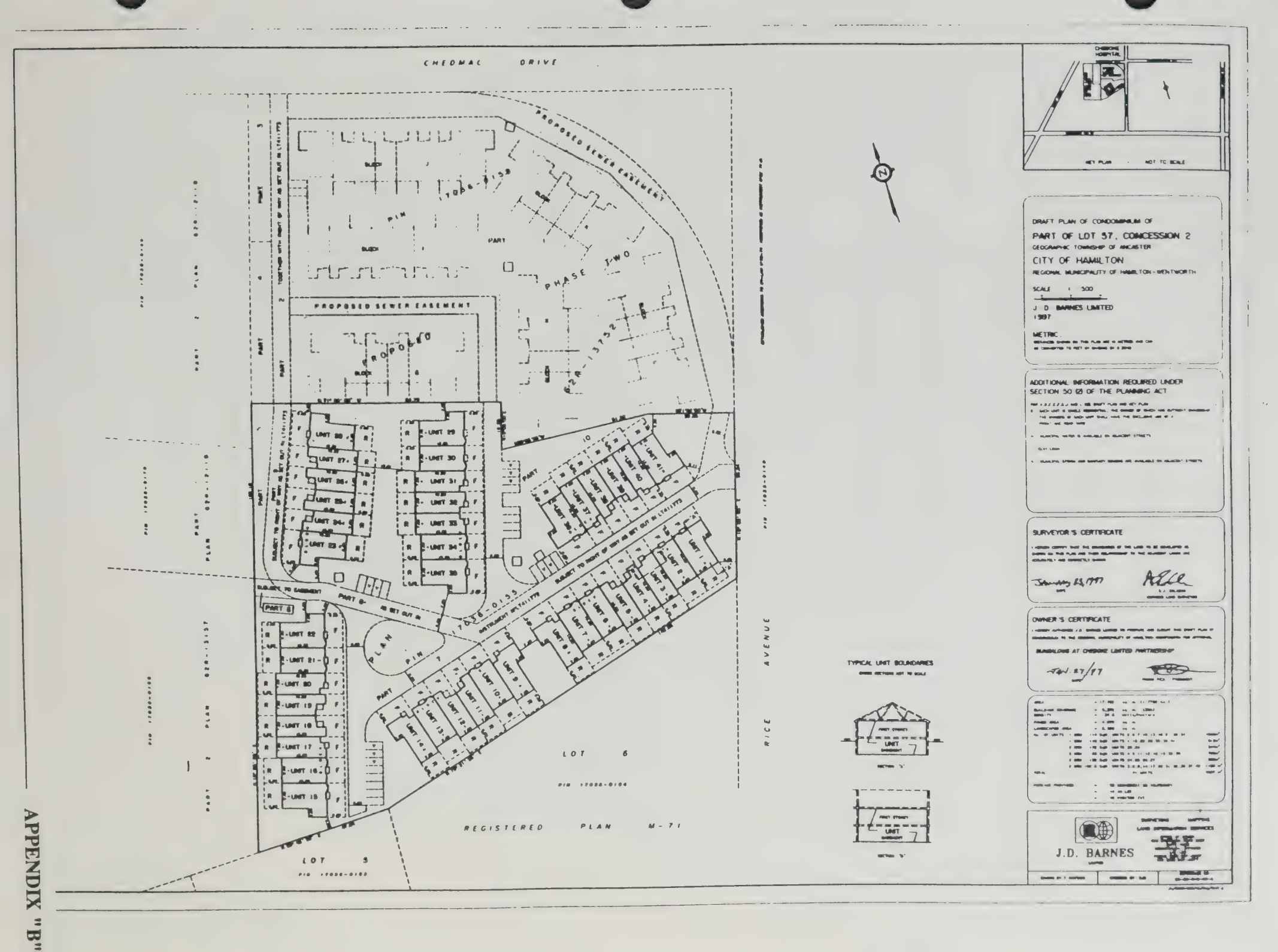


Legend

Site of the Application

Reference File No.	
CDM-97-01	
Drawn By	Date
S.H.	May1997
Scale	
Not to Scale	
North	

APPENDIX "A"


CHEDMAC DRIVE
PROPOSED SEWER EASEMENT
PHASE TWO
PROPOSED
PROPOSED SEWER EASEMENT
PART 6
PLAN PIN
LOT 6
REGISTERED PLAN M-71
LOT 5
RICE AVENUE
TYPICAL UNIT BOUNDARIES
DRAFT PLAN OF CONDOMINIUM OF
PART OF LOT 57, CONCESSION 2
GEOGRAPHIC TOWNSHIP OF ANCASTER
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1 : 500
J. D. BARNES LIMITED
1987
METRIC
ADDITIONAL INFORMATION REQUIRED UNDER SECTION 50 (3) OF THE PLANNING ACT
SURVEYOR'S CERTIFICATE
OWNER'S CERTIFICATE
BUNGALOWS AT CHEDOKE LIMITED PARTNERSHIP
J.D. BARNES

APPENDIX "B"

Db)

CITY OF HAMILTON

- RECOMMENDATION -

JUN 1 1 1997

DATE: June 5, 1997
CDM-97-03
Falkirk West Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Draft Plan of Condominium
"Tiffany Creek"

RECOMMENDATION:

(A) That approval be given to application CDM-97-03 (Regional File 25CDM-97004), Dicon Development Inc., owner, to establish a draft plan of condominium "Tiffany Creek", located west of Upper Paradise Road and known municipally as 1000 Upper Paradise Road, as shown on the attached map marked as APPENDIX "A", subject to the following conditions:

i) That this approval apply to the plan prepared by J.D. Barnes Ltd. and certified by S.J. Balaban, O.L.S., dated April 3, 1997, showing a total of 32 residential townhouse units;

ii) That the Final Plan of Condominium be in conformity with the Site Plan approved on February 17, 1997 under application DA-96-28;

iii) That the applicant satisfy all conditions of site plan approval to the satisfaction of the City of Hamilton, prior to final approval of the Plan of Condominium; and,

iv) That the following warning clause be registered on title, to the satisfaction of the Director of Planning and Development and the City Solicitor:

"Purchasers and/or tenants are advised that individual garbage removal by the City of Hamilton will not be available for this site."

v) That the following warning clause be registered on title for Units 2 - 6, inclusive and Units 16 - 18, inclusive, to the satisfaction of the Director of Planning and Development and City Solicitor:

"Purchasers are advised that access to the rear amenity area is provided through the living area of the unit."

vi) That final approval of the Plan of Condominium not be given until such time as:

a) By-law No. 96-173 has been finalized;
b) Development Agreement DA-96-28 has been finalized; and;
c) That all conditions of Land Severance B-96-13 have been met and registered on title.

vii) That the Condominium Corporation be required to enter into and register on title the Agreement of the Condominium Corporation to assume and be bound by the Site Plan Agreement.

viii) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton.

(B) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

Dicon Developments Inc., owner.

Agent:

Planning and Engineering Initiatives Ltd.

Surveyor:

S.J. Balaban O.L.S., J.D. Barnes Ltd.

Location:

The lands, comprising approximately 0.7 ha., are located west of Upper Paradise Road, south of Stone Church Road West and north of Rymal Road West, in the Falkirk West Neighbourhood, and are known municipally as 1000 Upper Paradise Road (see APPENDIX "A").

Proposal:

The owner is proposing a 32 unit condominium townhouse development (see APPENDIX "B"). The development consists of five (5) buildings.

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban Area" of the Hamilton-Wentworth Official Plan (HWOP). The proposal conforms with the HWOP.

Hamilton Official Plan:

The subject lands are designated "Residential". The proposal complies with the intent of the Official Plan.

Neighbourhood Plan:

The subject lands are designated "Attached Housing" in the approved Falkirk West Neighbourhood Plan. The proposal complies with the Neighbourhood Plan.

Zoning:

The subject lands are zoned "RT-20" (Townhouse - Maisonette) District. The proposal complies with the zoning by-law.

Site Plan:

The proposed condominium development was the subject of Site Plan Control Application DA-96-28 that was approved on February 17. 1997. The Site Plan Agreement was registered on title on April 27, 1997. The proposed plan of condominium conforms with the approved plans of DA-96-28.

COMMENTS FROM CIRCULATION:

The Building Department advised that:

"1. Our records indicated RT-20/S-1370, By-law 96-173, is not final and binding as of today's date (June 2, 1997).

2. Our records indicated that Development Agreement DA-96-28 has not been finalized as of today's date.

3. Committee of Adjustment A-96:289 granted variances on the condition that site plan approval be obtained (variances for reduced lot area and landscaped area).

4. On April 2, 1997, an application for a building permit, Tag Number 10299, was submitted. As of today's date, the building permit has not been issued.

5. All the conditions of Land Severance B-96-13 are required to be met and registered on title. (Our files, as of today's date, indicated that B-96-13 has not been registered on title).

6. The application for approval of condominiums states eleven (11) parking spaces provided. The plan does provide forty-three (43) parking spaces, (A total of forty-two (42) spaces are required, with ten (10) designated as visitor parking spaces).

7. The survey submitted states different lot lines behind units 22 to 30, 8 to 14 and long the easterly yards abutting units 7 and 8. Clarification should be confirmed due to the required yard setback as outlined in Section 10E(4) of Zoning By-law 6593.

The Regional Environment Department advised that:

"Our office has no comments or recommendations regarding the draft plan of condominium, CDM-97-03/25CDM-97004."

The Department of Public Works and Traffic, Traffic Division advised that:

> "The development of this property was reviewed under site plan application DA-96-28. At that time, we advised the applicant that due to insufficient manouvering on-site garbage pick up by the City would not be available for this site. In addition, we recommended that the plan provide for some form of on-site storage and private collection. Our review of this plan indicates that the applicant has chosen not to provide the recommended on-site storage for garbage. Therefore, we recommend that as a condition of approval a notice be registered on title of each individual unit that garbage removal by the City will not be available for this site.
>
> In addition, the applicant was advised that a Driveway Approach Approval must be obtained from our Department. To date, we have not had a formal application for the required Driveway Approach Approval. Therefore we recommend that final approval of the plan of condominium be subject to the applicant obtaining the required Driveway Approach Approval."

COMMENTS:

1. The proposal complies with the intent of the Official Plan and the approved Falkirk West Neighbourhood Plan.

2. The proposal complies with the regulations of the "RT-20" (Townhouse-Maisonette) District, in the City of Hamilton Zoning By-law No. 6593.

3. The proposal complies with the approved site plan. However, it is appropriate that the proposed plan of condominium be approved subject to the condition that the applicant satisfy all of the conditions of Site Plan application DA-96-28.

   The approved site plan and site plan agreement were registered on title on April 25, 1997. However, the applicant has not provided the securities required as a condition of approval. As such, the site plan application has not been finalized. The Building Department will not issue a building permit until the securities have been submitted to the City of Hamilton.

4. The proposed plan of condominium is for "freehold condominium" which is designed to minimize common areas. The exclusive use areas for the individual units encompasses the "front yard" and "rear yard" of the condominium units similar to that of a street townhouse type development.

   The "front yard" is achieved by delineating the entire area between the front of the dwelling unit and the internal access driveway as part of the exclusive use area for the associated condominium unit.

The "rear yard" is created by extending the exclusive use areas from the dividing wall between condominium units to the external property lines similar to a street townhouse situation. The proposed unit boundaries for Units 2 - 6, inclusive and Units 16 - 18, inclusive, limits access to the rear yard by going through the living area of the unit. The As such, it is appropriate to advise purchasers of this restriction. Access to the rear yard for the remaining units is available from the common areas of the proposed condominium development.

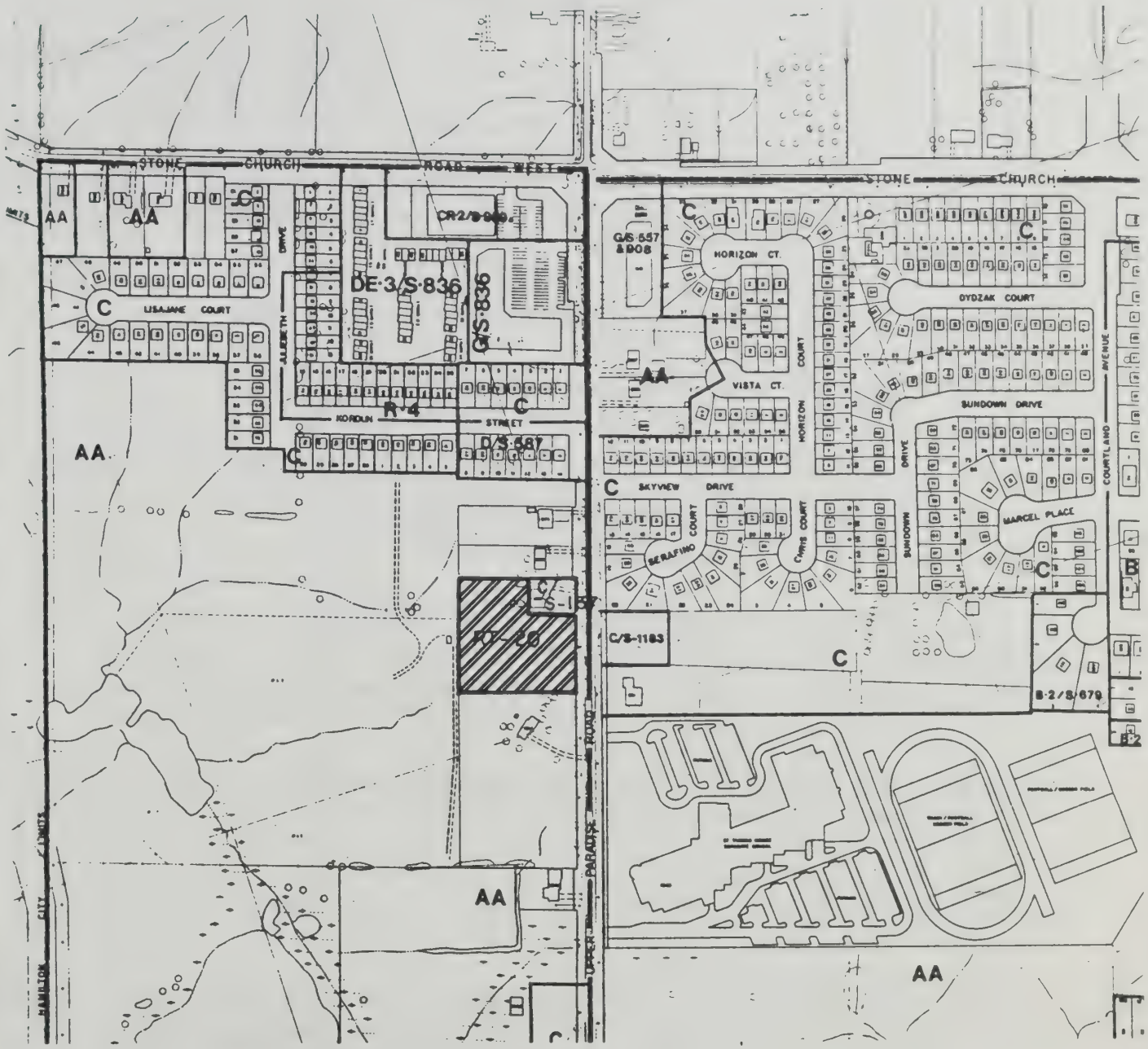
5. The Traffic Division has recommended that as a condition of draft plan approval a warning clause be registered on title to advise purchasers and/or tenants that individual garbage removal by the City of Hamilton will not be available for this site. The developer was advised of this issue during the site plan review process. Due to potential liability concerns, on-site garbage pick-up by the City is not provided if it is not possible for City vehicles to enter and exit the site without having to back-up . This condition is warranted because there is insufficient on-site manouvering for garbage pick up by the City.

   In addition, the Traffic Division had recommended that final approval of the plan of condominium be subject to the applicant obtaining the required Driveway Approach Approval. The Traffic Division has advised that the Drive Approach Approval has been completed. Therefore, this prerequisite is no longer required as a condition of draft plan approval.

CONCLUSIONS:

On the basis of the forgoing, the proposed plan of condominium can be supported.

SR\sr
CDM97-03.RPT



City of Hamilton

Location Plan For

1000 Upper Paradise

Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	CDM-97-03
	Date	Drawn By
	June 1997	FAB

APPENDIX "B"

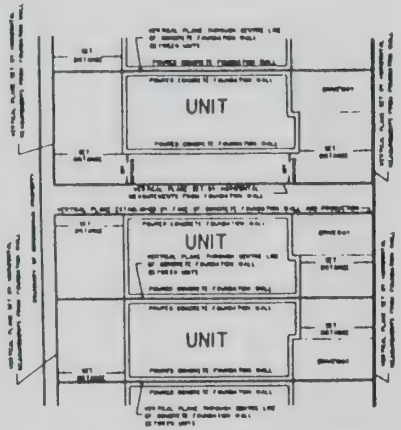


DIAGRAM ILLUSTRATING TYPICAL UNIT BOUNDARIES

NOTE: UNITS 1 TO 32, INCLUSIVE, HAVE NO UPPER OR LOWER LIMIT

REGISTERED PLAN 62M-469

PART 5 PLAN 62R-7496

P.I.N. 17560 - 0769

EXISTING RESIDENTIAL

UNIT 20
UNIT 21
UNIT 22
UNIT 23
UNIT 24
UNIT 25
UNIT 26
UNIT 27
UNIT 28
UNIT 29
UNIT 30
UNIT 31
UNIT 32
UNIT 14
UNIT 13
UNIT 12
UNIT 11
UNIT 10
UNIT 9
UNIT 8
UNIT 1
UNIT 2
UNIT 3
UNIT 4
UNIT 5
UNIT 6
UNIT 7
UNIT 18
UNIT 17
UNIT 16
UNIT 15

PART 4 PLAN 62R-13975

PART 3 PLAN 62R-13975

PART 1 PLAN 62R-13975

P.I.N. 17560 - 0768

P.I.N. 17560 - 0767

FUTURE RESIDENTIAL

FUTURE RESIDENTIAL

LOT

CONCESSION

PART 1 PLAN 62R-7353

P.I.N. 17560 - 0977

EXISTING RESIDENTIAL

P.I.N. 17560 - 0778

UPPER PARADISE ROAD

TIFFANY CREEK ESTATES

DRAFT PLAN OF CONDOMINIUM OF

PART OF LOT 21

CONCESSION 8

GEOGRAPHIC TOWNSHIP OF BARTON

NOW IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1 : 500

J.D. BARNES LIMITED - 1997

METRIC

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51 (2) OF THE PLANNING ACT

DEVELOPMENT DETAILS

CONDO. TOWNHOUSE DETAILS

PARKING REQUIREMENTS

SURVEYOR'S CERTIFICATE

OWNER'S CERTIFICATE

DICON DEVELOPMENTS INC.

ZONING R720

SURVEYING MAPPING LAND INFORMATION SERVICES

J.D. BARNES

25CDM-97004

Dc)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 June 11
(PLC-96-03)
Falkirk East Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Application to Remove Part-Lot Control
for Lots 67 - 78, inclusive, "Rymal Estates" Subdivision

RECOMMENDATION:

a) That approval be given to Part Lot Control Application 96-03, **100 Main Street East Ltd., owner**, to remove part-lot control for Lots 67 to 78, inclusive, located in "Rymal Estates", to permit the creation of 11 lots from the existing 12 lots, as shown on the attached map marked as APPENDIX "A";

b) That the attached by-law, marked as APPENDIX "B", to remove part lot control from Lots 67 to 78 inclusive, Registered Plan 62M-679, "Rymal Estates" plan of subdivision, be enacted by Council;

c) That the exempting by-law be restricted to a 1 year effective time period to expire on July 1, 1998;

d) That the exempting by-law not be forwarded to Council for adoption until such time as the applicant/owner has entered into a Service Agreement with the Region of Hamilton-Wentworth or has revised the original engineering drawings for "Rymal Estates" subdivision to the satisfaction of the Regional Environment Department; and,

e) That following the enactment of this by-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law.

V.J. Abraham

J.R. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The applicant, Frisina Construction Co. Ltd., is proposing to increase the size of the building lots by creating 11 lots out of the existing 12 lots. The existing 12 lots have a lot width of 12.092 m whereas the new lots will have a minimum lot width of 13.191 m. In doing so, the applicant will be reducing the number of lots from 12 to 11.

By-Law No. 97-017

Council, at its meeting of January 28, 1997, passed By-law No. 97-017, a By-law to Remove Part-Lot Control for the "Rymal Estates" subdivision. The By-law had a 90-day effective time period and expired on May 1, 1997.

Location

The lands are located on Benvenuto Crescent which is north of Rymal Road West and west of Claudette Gate in the Falkirk East Neighbourhood.

COMMENTS:

1. Removal of "part-lot" control is a mechanism provided for under the Planning Act to permit minor division of land. This provision eliminates the need to obtain the approval by the Committee of Adjustment for each individual parcel of land, thereby reducing the overall administrative process required to obtain the same objective. The mechanism is exercised by municipalities by registering a by-law in the Land Titles offices. It can apply only to lands within a registered plan of subdivision. In addition, Section 50(7.3) of the Planning Act, allows for an expiration date to be described in the part-lot control by-law, thereby eliminating the need to repeal said by-law. Under Section 50(7.4), Council may grant an extension before the expiration of the By-law if needed without the approval of the Minister. In this regard, the exempting by-law should be restricted to a 1 year effective time period.

2. The proposal to increase the size of the building lots by creating 11 lots out of the existing 12 lots is to facilitate different housing designs which cannot be accommodated on the existing lot width of 12.092 m. The new lots are proposed to have a minimum lot width of 13.191 m. As such, the number of building lots will be reduced from 12 to 11.

3. A request to remove part-lot control was previously approved by City Council in January, 1997. Based on recent experiences with the 3 month time frame, the Planning and Development Department staff have discussed with the Law Department the length of

time that part lot control by-laws should be in effect. In this regard, a one year time period is more appropriate since the proponents register the maintenance easements when the properties are purchased and that the sale/transfer of the properties is an ongoing activity.

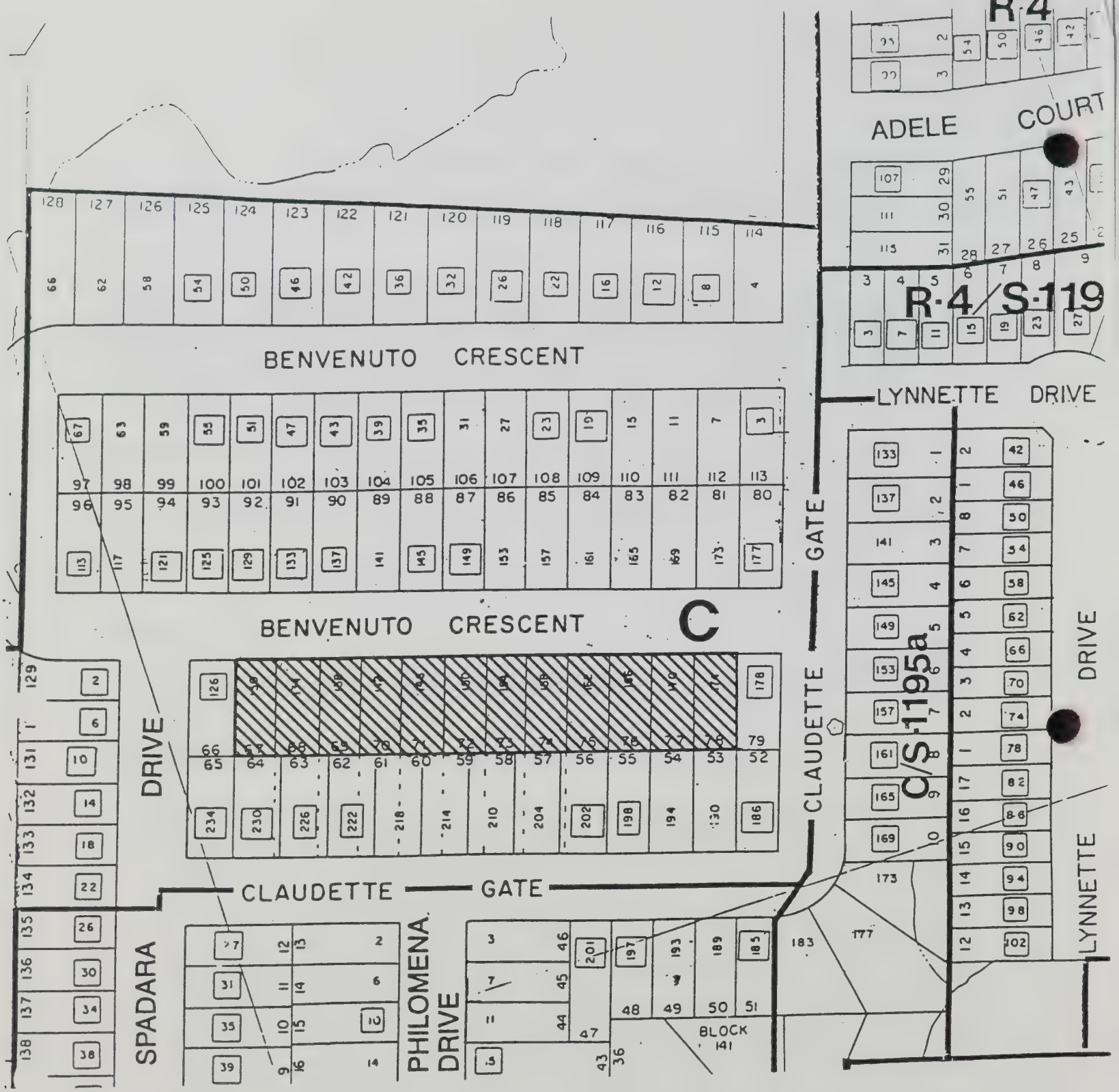
4. The Regional Environment Department has advised that as a condition of approval the applicant/owner should enter into a Service Agreement to the satisfaction of the Regional Environment Department. Alternatively, the applicant/owner could revise the original engineering drawings for "Rymal Estates" subdivision to the satisfaction of the Regional Environment Department to incorporate changes required under this application.

5. The attached by-law to remove "part-lot" control has been prepared in a form satisfactory to the City Solicitor.

CONCLUSION:

Based on the foregoing, the request to remove part-lot control can be supported.

SR/sr
PLC96-03.2nd



Legend

Site of the Application

PLC-96-03

APPENDIX "A

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 97—

To Remove
Land within the "Rymal Estates" Subdivision, Plan 62M-679
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal. --** The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton–Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purposes of adjusting property lines to create 11 lots having a minimum lot width of 13.0 m from the existing 12 lots, shall not apply to the following lands:

   Lots 67 to 78 inclusive within Registered Plan Number 62M-679, in the City of Hamilton, Regional Municipality of Hamilton–Wentworth.

2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton–Wentworth.

   (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

   (c) This By-law shall expire on July 1, 1998.

PASSED this day of A.D. 1997.

City Clerk Mayor

D d)

CITY OF HAMILTON

- RECOMMENDATION -

JUN 1 ; 1997

DATE: 1997 May 22
(PA-PBW)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P, R.P.P.,
Director, Planning and Development Department

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: City of Hamilton Comments - Proposed Parkway Belt West Plan Amendment No.125

RECOMMENDATIONS:

a) That the City of Hamilton advise the Ministry of Municipal Affairs and Housing the City of Hamilton supports the removal of certain lands within the City of Hamilton, as shown on the attached map marked as APPENDIX "A", from the Parkway Belt West Plan as proposed in Amendment No. 125.

b) That the City Clerk be requested to forward City Council's decision to support Parkway Belt West Plan Amendment No. 125 to the Regional Clerk.

V. J. Abraham

J. G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Ministry of Municipal Affairs and Housing (MMAH) has requested the City to provide comments on the removal of certain lands within the City of Hamilton, as shown on the attached map marked as APPENDIX "A", from the Parkway Belt West Plan (PBWP).

Once the lands are removed from the PBWP, the lands will fall under the jurisdiction of the Hamilton-Wentworth and City of Hamilton Official Plans. For the information of the Committee, the lands along Cootes Paradise and Churchill Field will not be removed from the Parkway Belt West Plan. The Province has advised these lands will still be subject to Parkway Belt West Land use regulations; therefore, the City's zoning does not apply in this area. Removal of the land use regulations may be considered by the Province at some time in the future.

PLANNING INFORMATION:

The following chart is a synopsis of the applicable planning information to the lands shown on Appendix "A".

Subject Lands	Parkway Belt West Plan	Official Plan	Neighbourhood Plan
Kay Drage Park	Public Open Space and Buffer Area[1]	Open Space	Open Space
Christ the King Church/School	Public Open Space and Buffer Area	Institutional	Civic and Institutional
Harvey Park	Public Open Space and Buffer Area	Open Space	Open Space
Hamilton Cemetery	General Complementary Use Area[2]	Open Space	Open Space
Woodland Cemetery	General Complementary Use Area	Open Space Environmentally Sensitive Area	Open Space
Dundurn Park	Public Open Space and Buffer Area	Open Space	Open Space
Lands north of Harvey Park adjacent to CN tracks	Public Open Space and Buffer Area	Open Space	Open Space

[1]The uses in the "Public Open Space and Buffer Area" include open space, buffers existing and public utilities (i.e. transmission lines, etc.). These designations allow for little development in this area.

[2]These lands are designated "General Complementary Use Area" and "Public Open Space and Buffer Area" in the PBWP. Some of the uses in the "General Complementary Use Area" include existing uses, agricultural, low density institutional, recreational, residential and public uses, provided they meet several conditions respecting the compatibility with and the protection of the environment.

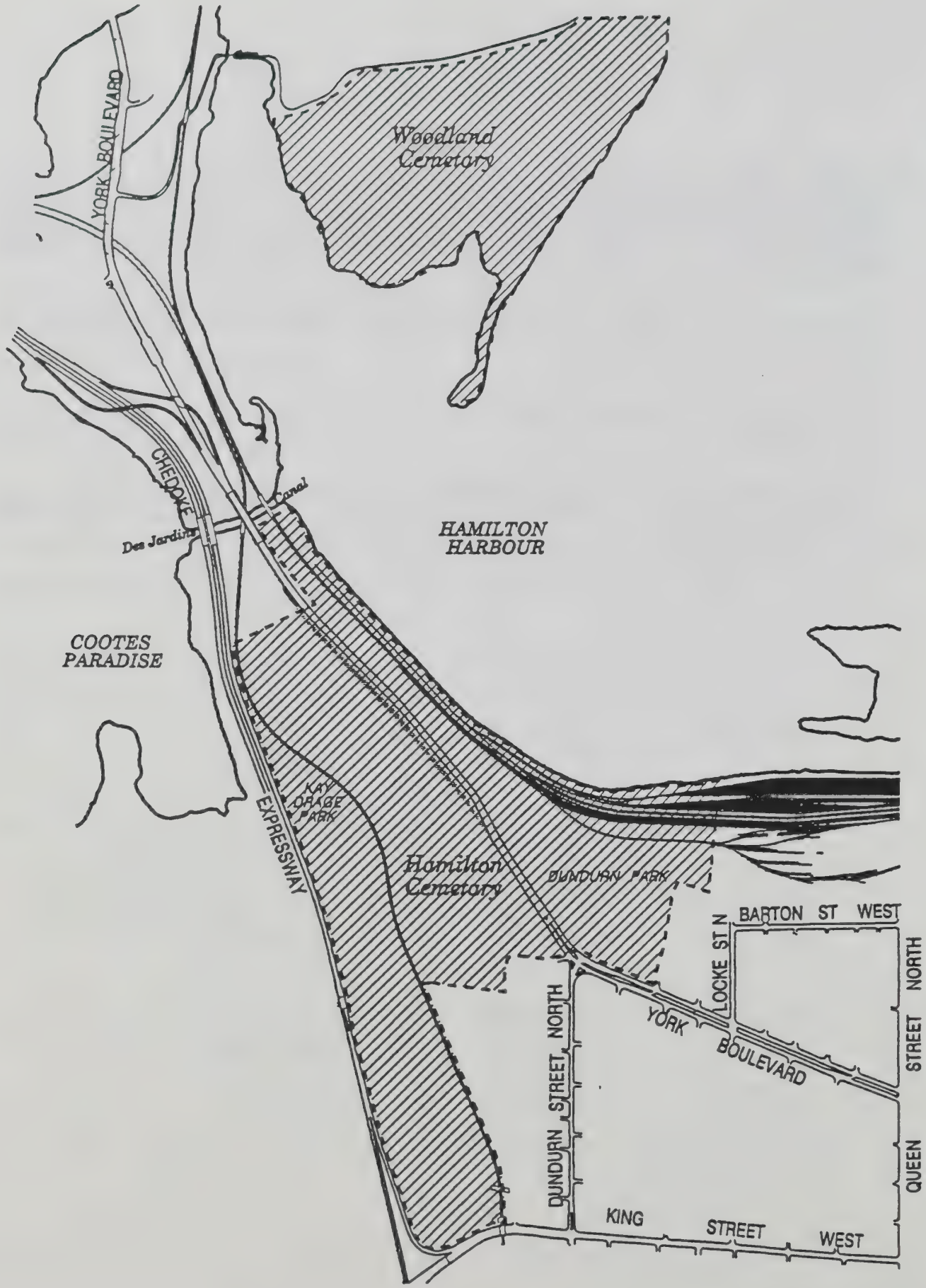
In addition, the above-noted lands are also designated Special Policy Area "2" in the Official Plan which recognizes the Parkway Belt West Plan. This Special Policy Area will become redundant once the PBWP designations are removed. Therefore, it will be deleted as part of the Official Plan Review.

The designations in the Official Plan and the Neighbourhood Plans reflect the existing and future intended land uses within these areas.

CONCLUSION:

Based on the above information, the City supports the removal of certain lands within the City of Hamilton from the Parkway Belt West Plan since the current Official Plan and Neighbourhood Plans designations reflect the existing and future intended land uses in this area. In addition, the Region of Hamilton-Wentworth should be advised of City Council's decision.

JHE:fd



Appendix "A"

Legend

Lands to be removed from Parkway Belt West Plan (Amendment No. 125)

North

PA - PBW

De)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 June 2 JUN 1 1 1997
(CDM-CONV-97-001)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

SUBJECT:

Proposed Draft Plan of Condominium by Jose da Silva, Manuel DeJesus, and Pasqualina Pagliccia - 914 Mohawk Road East, Lisgar Neighbourhood

RECOMMENDATIONS:

1. That approval be granted to application CDM-CONV-97-001 submitted by Jose da Silva, Manuel DeJesus, and Pasqualina Pagliccia, owners, for a draft plan of condominium for property located at Nos. 914 Mohawk Road East to provide for a condominium comprised of 16 two bedroom townhouse units to condominium units, subject to the following conditions:

   a) That this approval applies to the attached draft plan dated July 2, 1996 prepared by Bryan Jacobs, O.L.S.;

   b) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor;

   c) That prior to approval of the final plan,

      i) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law 6593 and the Official Plan, and

      ii) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593;

d) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-96-002);

e) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,

f) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required.

2. That the Mayor and the City Clerk be authorized to grant draft approval by signing the draft plan.

3. That the Mayor and City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owners -

Jose da Silva, Manuel DeJesus, and Pasqualina Pagliccia, Hamilton, Ontario

Surveyor -

Bryan Jacobs, O.L.S., Hamilton, Ontario

Location -

The lands known municipally as 914 Mohawk Road East, comprising 0.73 acres, are located on the south side of Mohawk Road East, west of Upper Ottawa Street in the Lisgar Neighbourhood (see attached key map).

Proposal -

The owner proposes to convert an existing rental townhouse complex containing 16 two-bedroom units to condominium status.

Existing Development Controls -

Hamilton-Wentworth Official Plan - The lands are identified as "Existing Development" within the "Urban Policies Area". The proposal complies.

City of Hamilton Official Plan - According to Schedule "A", the lands are designated "Residential". The proposed use is consistent with the Official Plan.

City of Hamilton Zoning By-law - The lands are zoned "DE-3" (modified) - Multiple Dwellings.

Neighbourhood Plan - The lands are designated "Low Density Apartments" according to the Lisgar Neighbourhood Plan. The proposal complies.

Rental Housing Protection Act - Application CD-96-002 was approved by Council on December 10, 1996 subject to several conditions. Recommendation of draft approval status of the Plan of Condominium is conditional upon the owner securing the Certificate of Approval.

Comments from Circulation -

1. The following agencies had no comments or objection toward the proposal:

   Traffic Department
   Ontario Hydro
   Hamilton Hydro
   Union Gas
   Bell Canada

2. The Hamilton-Wentworth Roads Department has submitted the following comments and recommendations:

   "INFORMATION:

   1. A Municipal water is available and of sufficient size and capacity to service this development directly.

   2. Municipal sewers are available and are of sufficient size and capacities to service this development.

   3. We do not anticipate any further road allowance widenings on Mohawk Road East at this time.

   4. There will be no Municipal share of services to be installed within this development.

RECOMMENDATIONS:

1. We have no recommendations for this condominium conversion application.

The submitted plan as prepared by Consoli and Jacobs Surveying Limited is satisfactory to the Regional Environment Department, subject to the above-noted comments and recommendations."

3. The Building Department has submitted the following comments:

   i) The recognized use is a sixteen (16) unit multiple dwelling with a minimum required twenty (20) parking spaces on the site, as required by Site Specific By-Law No. 68-291, Schedule "B". The plans submitted only show sixteen (16) parking spaces.

   ii) The location of the frame shed is located within the required landscaped area and appears to be located too close to the lot lines."

4. The Treasury Department has advised that the property taxes are currently paid.

COMMENTS:

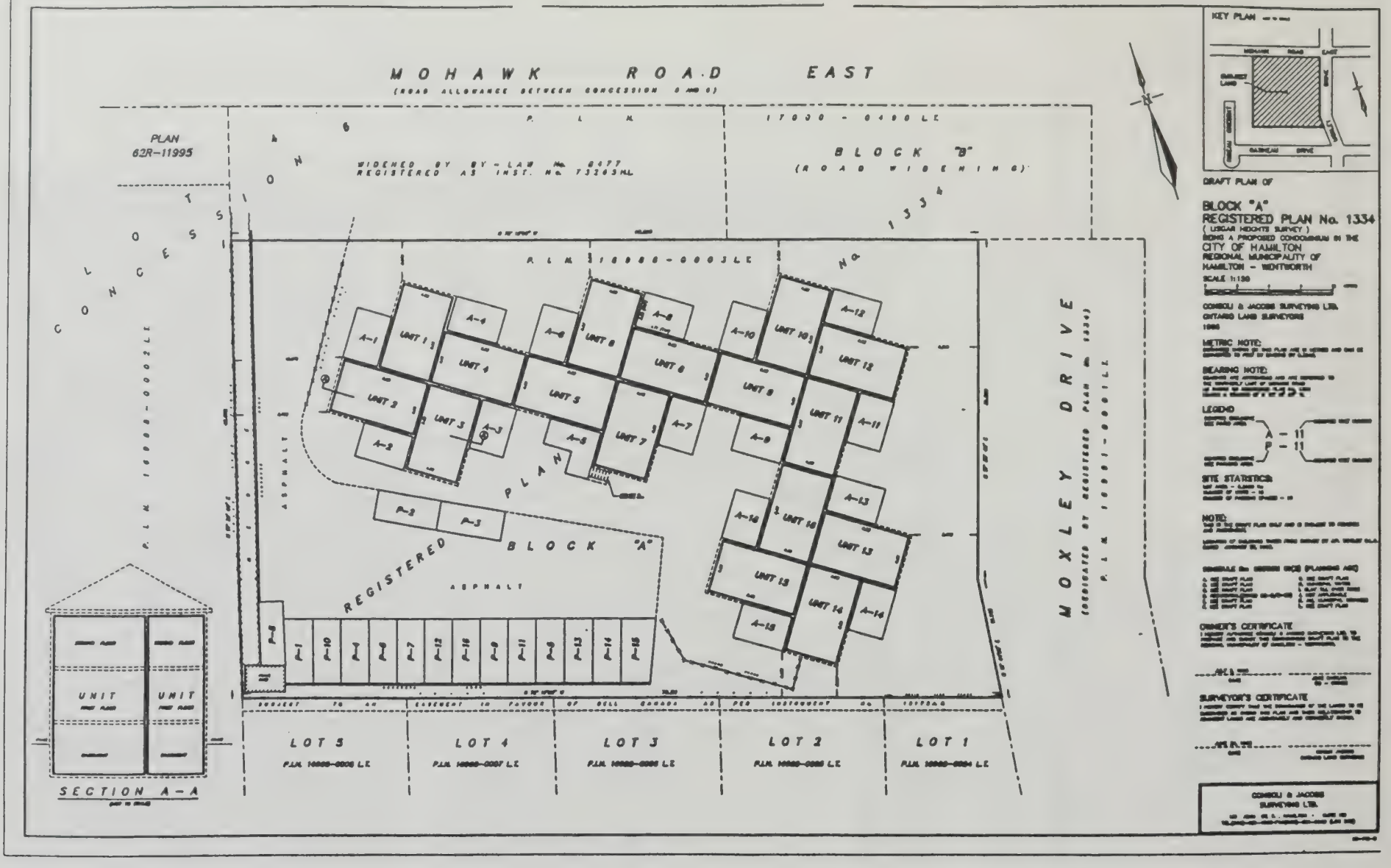
1. The applicant wishes to convert 16 existing rental townhouse units to 16 condominium townhouse units on the subject property. To complete this process, the applicant must first acquire approval from the City to remove the units from the rental market pursuant to the Rental Housing Protection Act, and then apply for the City's approval under the Condominium Act for the legal division of the property.

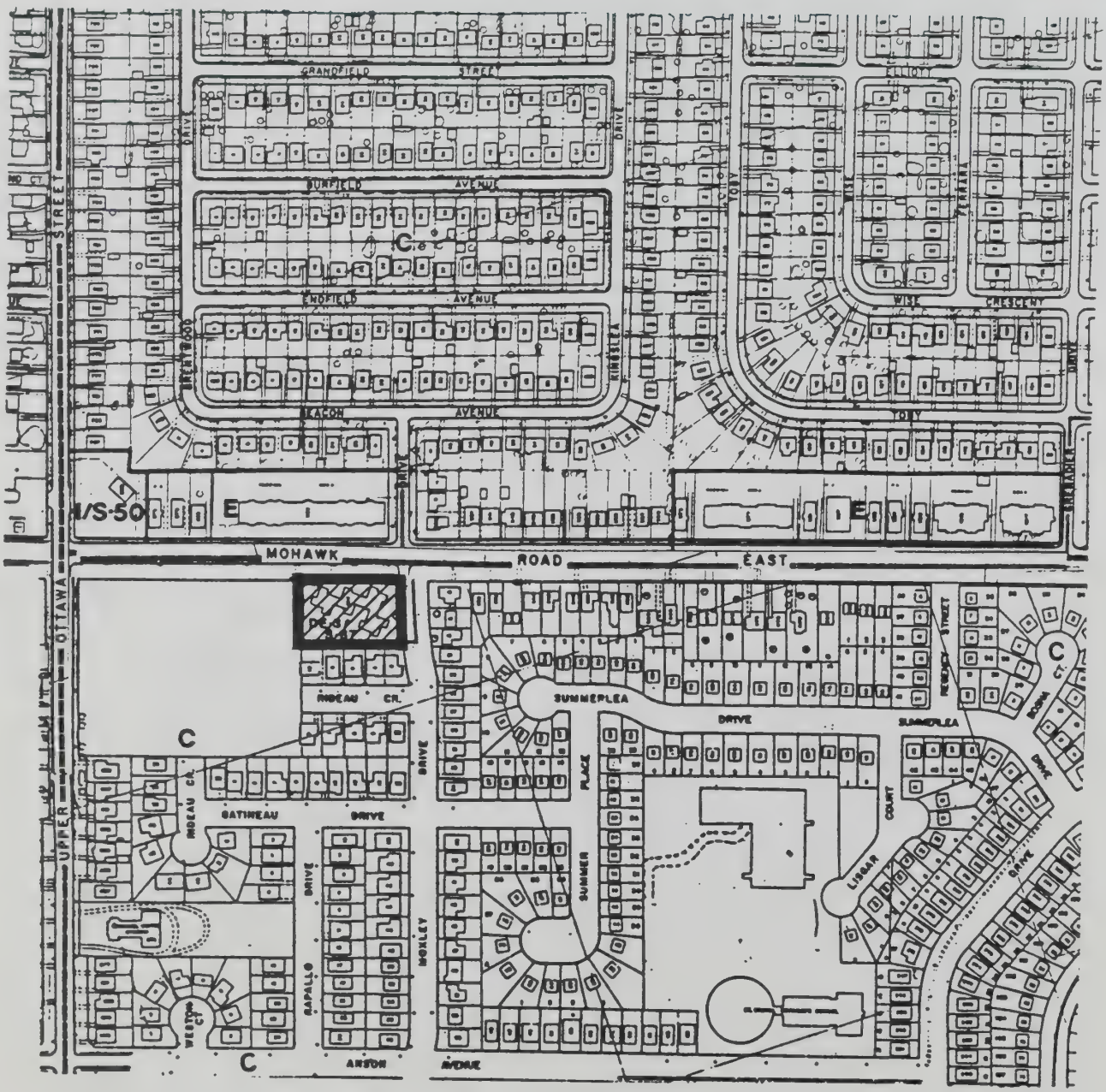
   On December 10, 1996, Council approved application CD-96-002 under the Rental Housing Protection Act to remove the units from the rental market subject to certain conditions being incorporated in a registered agreement on title. Upon registration of this agreement, the City will issue a "Certificate of Approval" to indicate the completion of this part of the conversion process. To date, the agreement has not been registered and therefore the Certificate of Approval has not been issued. As a condition of draft approval of this condominium application, the owner will have had to complete the Rental Housing Protection Act conditions and received the Rental Housing Protection Act Certificate of Approval.

2. Based on the Building Department's comments, the applicant will have to seek variances from the Committee of Adjustment as the property does not conform to the site specific zoning. This has been incorporated into the conditions of draft approval.

MLT/

c:\rhpa\cdm97001


MOHAWK ROAD EAST
(ROAD ALLOWANCE BETWEEN CONCESSION 5 AND 6)
PLAN 62R-11995
WIDENED BY BY-LAW No. 8077 REGISTERED AS INST. No. 733453HL
BLOCK "B"
(ROAD WIDENING)
CONCESSION 6
MOXLEY DRIVE
REGISTERED PLAN 1334
REGISTERED BLOCK "A"
ASPHALT
UNIT 1
UNIT 2
UNIT 3
UNIT 4
UNIT 5
UNIT 6
UNIT 7
UNIT 8
UNIT 9
UNIT 10
UNIT 11
UNIT 12
UNIT 13
UNIT 14
UNIT 15
UNIT 16
LOT 5
LOT 4
LOT 3
LOT 2
LOT 1
SECTION A-A
UNIT
UNIT
KEY PLAN
DRAFT PLAN OF
BLOCK "A"
REGISTERED PLAN No. 1334
(LISGAR HEIGHTS SURVEY)
BEING A PROPOSED CONDOMINIUM IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON - WENTWORTH
SCALE 1:150
COMBOLI & JACOBS SURVEYING LTD.
ONTARIO LAND SURVEYORS
1986
METRIC NOTE:
BEARING NOTE:
LEGEND
SITE STATISTICS:
NOTES:
OWNER'S CERTIFICATE
SURVEYOR'S CERTIFICATE
COMBOLI & JACOBS
SURVEYING LTD.



City of Hamilton

Location Plan For

914 Mohawk Rd. E.

Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	CDM -CONV-97-001
	Date	Drawn By
	June 1997	FAB

E.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 June 11

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Director of Planning and Development re: Planning and Development Department Quarterly Report as at December 31, 1996, dated 1997 May 20

(b) Director of Planning and Development re: Planning and Development Department Quarterly Report as at March 31, 1997, dated 1997 May 20

(c) Director of Planning and Development and Building Commissioner re: Brownfield Redevelopment Task Force, dated 1997 May 16

(d) Secretary, LACAC re: Minutes of the Meeting held 1997 May 5, dated 1997 June 10

(e) Building Commissioner re: Loan Decrease - Commercial Property Improvement Program, 274 Barton Street East, dated 1997 June 5

(f) Director of Planning and Development re: Site Plans for Approval, dated 1997 June 9

(g) Director of Planning and Development re: City of Hamilton Street Naming, dated 1997 June 11

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

T Agnello

BACKGROUND: N/A

PLANNING AND DEVELOPMENT COMMITTEE
Wednesday, 1997 July 2

4. Proposed Walkway Closure, Gilkson Neighbourhood.

5. **DIRECTOR OF PLANNING AND DEVELOPMENT**

   a) Authorization for a Public Meeting for Windermere Basin Study.

   b) ZA-96-11, 73 Garfield Avenue (Previously Tabled)

      i) Submission: Micheal J. Wychopen

6. **BUILDING COMMISSIONER**

   a) Request for Variation from the City of Hamilton Policy with respect to Lot Grading an the Rear Yard at 154 Chester Avenue

   b) Mobile Sign By-Law

7. **CONSENT AGENDA**

8. **OTHER BUSINESS**

9. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
2.	Rehabilitation Loan Programs	1996 June 25 (Council)	Review to be conducted by staff	Recommendation from Building Commissioner to Cttee by 1996 Nov. 1
3.	Mobile Sign By-law	1996 July 3 and 1997 February 11	Two reviews to be conducted three months and six months after the passing of the Mobile Sign bylaw on 1997 February 11	*Industry and Staff Committee To report back in one year (by July 3 1997) *Staff Report to be brought back in 6 mos (by August 11 1997) *Report back in 3 mos (by May 11 1997) re: actual recovery costs for the implementation and enforcement of the bylaw as well as a review of permit fees for businesses and licencing for operators
4.	Bringing responsibility for administration of Subdivisions, Condominium Control and Part Lot Control to the City from the Region	1996 July 3	Building Commissioner to Draft Report	Report Forthcoming
5.	Correspondence : CAPIC support for Establishment of a Downtown Neighbourhood	1996 October 23	Referred to Planning Staff for report	Report Forthcoming
6.	ZA-96-11, 73 Garfield Avenue South	1996 Nov. 20 and 1997 June 18	Ward Alderman, residents and applicant to meet	Tabled to 1997 January. Further tabled to July 2
7.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and Incineration as a use regarding Hamilton Harbour Commission Lands	Report Forthcoming
8.	ZA-97-02, 310 Limeridge Road West	1997 March 19	Alternate Uses for the property to be investigated	Tabled. To be brought back on 1997 May 21
9.	RHPA application CD-96-004, 222 Gage Avenue South	1997 April 2 and 1997 May 7	Ward Aldermen to meet with applicant and residents	Tabled for 1 month Further tabled for 6 months (to first meeting of Nov 1997)
10.	RHPA application CD-96-005, 155 Market Street	1997 April 23	Applicant to meet with residents in order to address their concerns	Tabled for 2 months

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
11.	Street Naming	1997 May 7	Planning and Development Staff requested to prepare a report explaing how street names are determined	Report Pending
12.	Allison Estates Subdivision - Park Site	1997 May 7	Tabled at the request of the subdivider	Tabled
13.	ZAC-97-06, 87-95 Wellington St. N. & 216 Wilson St.	1997 June 18	Tabled for the applicant to apply for RHPA and approach Regional Transportation regarding road width	Tabled with Instructions
14.	Wesley Centre, 195 Ferguson Avenue North	1997 June 18	Planning, Clerk's Real Estate Division, and Economic Devlopemnt Department to work with Wesley to determine alternate sites	Pending
15.	Correspondence from J. Wannop, 139-147 Locke St. S.- Site Plan	1997 June 18	Referred to Planning Staff for review and Comment	Pending
16.	Appleblossom Drive Extension	1997 June 18	Referred to Planning Staff for Report	Report Forthcoming

1997 June 26

1.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 June 23
(CD-97-001)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT:

Rental Housing Protection Act Application CD-97-001 -
141 Catharine Street South, Corktown Neighbourhood

RECOMMENDATIONS:

(a) On the basis of Council's previous decision to approve conversion to condominium for the property located at No. 141 Catharine Street South, that approval be given to Application CD-97-001, under the Rental Housing Protection Act, 1167829 Ontario Limited, owner, for conversion of 57 rental apartment units to condominium units for the property located at 141 Catharine Street South, on the following basis:

(i) That the Owner offer, in writing, to the Tenants residing at the premises on the date of Council's approval, the right to lease their current unit, noted in Appendix "A", for a period of not less than five years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "A", upon the following minimum terms:

1. the Offer shall be open for acceptance by the Tenants for a period of 30 days from the date the Offer is sent;

2. the City will send the Offer, by registered mail, to the tenants residing at the premises as of the date of Council approval of the Rental Housing Protection Act application, immediately following the expiration of the appeal period of the Council approval;

3. that leases entered into as a result of (i) and (ii) above, be executed prior to the City's execution of the RHPA Approval Agreement;

4. that the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended;

5. that such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,

6. that the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty.

(ii) That the Owner grant to the Tenants named in Appendix "A" an Option to Purchase a Unit specified in Appendix "A", (together with appurtenant interests). Such Option shall allow each tenant at least five years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner;

(iii) 1. That the City send by registered mail to the tenants residing at the premises as of the date of the Council approval of the RHPA application, the Option to Purchase details set by City Council; and,

2. That the notice indicated in section (i) above shall be sent immediately following the expiration of the appeal period of the Council approval; and,

3. That the tenants noted in (i) above shall be given 30 days from the date of the letter sent by the City to notify the City whether they are or are not interested in further considering the option.

(iv) That this RHPA approval shall cease and be at an end,

1. if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,

2. in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton;

(v) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Planning and Development and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "A" and "B" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval;

(vi) In the event that the Owner proposes to sell all of the subject lands, he/she shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein;

(vii) That the Owner provide the City Solicitor and the Director of Planning and Development with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,

(viii) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.

(b) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The cost of processing this application is paid for by the applicant through the application fees.

BACKGROUND:

Owner

1167829 Ontario Ltd., owner.

Existing Building

The subject property contains 57 apartment units. The units are all one-bedroom apartments. As of May 1, 1997, none of the units in the building were vacant.

Nature of the Application

An application under the Ontario Rental Housing Protection Act (RHPA) for the property at 141 Catharine Street South was submitted to the City on March 7, 1997. The location of the subject property is shown on the attached key map. The proposal is to convert 57 apartment units to condominium. The applicant has indicated the units will be sold for between $50,000 to $60,000. Existing tenants will be able to purchase a unit for $55,000.

Proposed Conversion Details

The application submitted includes details of the renovations to be undertaken, as follows:

Exterior Improvements:

1. Replacement of all windows;
2. Repair and/or replacement of all balcony windows;
3. Resurfacing the at grade parking lot;
4. Remodelling and landscaping of building entrance;
5. Repair of garage ramp;
6. Installation of privacy fences for first floor units (rear of building);
7. Installation of a roof top deck and recreational area;
8. Level grading of ramp at rear of building; landscaping of rear yard;
9. Painting of exterior surfaces;
10. New garbage room and bin enclosure are being constructed.

Interior Improvements (Building):

1. First floor exercise room;
2. Replacement of front lobby doors;
3. Upgrading of front doors and access panels;
4. Refurbishing of mail room;
5. Refurbishing of lobby ceiling;
6. Construction of a new laundry room;
7. Painting of walls and ceilings throughout the common areas of the building;
8. Replacement of carpets in the common areas;
9. Repair and/or replacement of lighting in the common areas;
10. Repair of garbage chute to working condition;
11. Construction of a new storage room.

Interior Improvements (Units):

1. Replacement of all kitchen appliances;
2. Replacement of all floor coverings;
3. Painting of walls and ceilings;
4. Installation of new cabinets in the kitchen of the unit;
5. Installation of new or resurfaced plumbing fixtures in the bathrooms.

Rent Details

The monthly rental charges for the units, effective March, 1997, are as follows:

- The average rent is $498 per month;
- The rents range from $425/month to $550/month.

Previous Application - CD-95-008:

In March of 1995, an application for condominium conversion was submitted for the subject property by a different owner. On July 11, 1995, Council granted conditional approval of the conversion, subject to the City's standard conditions. In 1996, ownership of the property changed and Council's previous approval lapsed as the Certificate of Approval had not been registered on the title of the property nor had an assumption agreement been entered into with the new owner. The new owner is required to make an application and obtain a new Council resolution in order to convert the property.

APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental housing units including renovations, conversion to condominium, conversion to other uses, demolitions and severances. The rental apartment units at 141 Catharine Street South are subject to the Act since the applicant intends to convert the apartment units to condominium status. The Act notes that Council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:

i) the building is structurally unsound;
ii) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar quality and rent in the same area; and/or,
iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

Criteria i) is not applicable as the applicant is seeking to convert the existing building to condominium status.

Criteria ii) is not applicable as the applicant is not providing any new rental units.

Therefore, Council may approve this application if, as noted by the Province, "it is of the opinion that the loss of these 57 affordable rental units would not constitute an adverse effect on the supply of affordable rental housing" in Hamilton. The Province has added that "if Council decides to approve the application, Council may wish to use the provisions of section 11(7) and 12 of the Rental Housing Protection Act to impose reasonable conditions on approval, to enter into agreements with the applicant concerning fulfilment of these conditions, and to register these agreements against title to the property."

The Province further notes "suitable conditions in this situation might include:

- provision of a first right of refusal to all tenants interested in purchasing their unit.
- pricing of units for sale to tenants at the levels set out in the application.
- provision to tenants who do not wish to purchase of a period of security of tenure from eviction by the applicant or a subsequent purchaser of a condominium on the grounds of personal possession under section 103 of the Landlord and Tenant Act and on the grounds

of renovation and repair, conversion of use, or demolition under section 105 of the Landlord and Tenant Act.

- conduct of a structural audit and reserve fund analysis to the satisfaction of the municipality, and provision of a copy of this report free of charge to prospective purchasers before they enter into binding agreements of purchase and sale."

ANALYSIS OF IMPACT/EFFECT ON THE RENTAL HOUSING MARKETPLACE:

City Council may approve the application through Regulation O.Reg. 524/94 of the Rental Housing Protection Act if, in Council's opinion, the removal of these 57 rental units will not adversely affect the supply of affordable rental housing in the City. In June, 1995, the Planning and Development Department submitted an Information Report to the Planning and Development Committee regarding the evaluation of applications for condominium conversion. The report outlined the criteria that will be used in evaluating applications and determining the staff recommendation. The criteria are in two groups: "Essential Criteria" and "Criteria for Which Conditions May be Instituted". The following is a list of the criteria in each group:

Essential Criteria:

1. The vacancy rate within the City of Hamilton for all units should be at least two percent.
2. The vacancy rate within the particular Canada Mortgage and Housing Corporation (hereafter referred to as "CMHC") Zone should be at least two percent (for all units).
3. The vacancy rate for the specific bedroom type should be at least two percent within the City and the zone.
4. The impact of conversion on the vacancy rates will be examined to ensure that the vacancy rates will not be significantly impacted.
5. The rental pricing will be examined to review whether the units are priced significantly less than comparable units in the City and the zone.

Criteria for Which Conditions May be Instituted:

1. The availability of potential alternative rental accommodation will be reviewed in terms of bedroom type and monthly rental charge.
2. The affordability of the units will be examined in terms of affordability as ownership and rental units.
3. The monthly carrying costs will be examined to compare the monthly costs as rental and ownership units.

Data from the semi-annual Canada Mortgage and Housing Corporation Rental Market Report is used to evaluate the above-noted criteria. CMHC has divided the City into seven geographic zones; the subject property is located within "Zone 1 - Downtown Core Zone" which is bounded by Queen Street to the west, Cannon Street to the north, Wentworth Street to the east and the Escarpment to the south.

Essential Criteria

Vacancy Rates - All Unit Types

The overall rental apartment vacancy rate for the City, in apartments with 6 units or more, was recorded at 2.4 percent in October, 1996 (latest available CMHC data). The vacancy rate for the Downtown Core Zone was 1.4 percent (all bedroom types). The vacancy rate in the Downtown Core Zone has been recorded at below 2.0 percent since April, 1995. A vacancy rate between 2.0 percent and 3.0 percent is considered by CMHC as indicative of a healthy, competitive rental marketplace in a municipality.

Vacancy Rates - Apartment Units

The following table includes the vacancy rate, for one-bedroom units, for the City as a whole and the Downtown Core Zone as of October, 1996, which are the latest available statistics.

Bedroom Type	City of Hamilton Vacancy Rate	Downtown Core Vacancy Rate
One-Bedroom	2.5%	1.5%

The vacancy rates for the City for all bedroom types are above two percent. However, the vacancy rates for one-bedroom units in the Downtown Core Zone is below two percent.

Impact of Conversion on Vacancy Rate

Analysis of the change in the vacancy rate for the City, the Downtown Core Zone, for one-bedroom units, is used to determine if the conversion to condominium will negatively impact the vacancy rate within the City and the particular market zone. The following table shows the changes to the vacancy rates by geographic area for one-bedroom units. In all scenarios, the vacancy rate changes are in increments of hundreds of a percentage point.

Geographic Area	Bedroom Type	Impact on Vacancy Rate
City of Hamilton	All Units	Negligible Decrease (-0.02%)
City of Hamilton	One-Bedroom	Negligible Decrease (-0.02%)
Zone 1 - Downtown Core	All Units	Negligible Increase (0.01%)
Zone 1 - Downtown Core	One Bedroom	Negligible Increase (0.02%)

The analysis of the impact on the vacancy rates reveals no discernable impact on the current rental apartment vacancy rates within the City as whole or the Downtown Core Zone.

Rental Pricing

Average Rent Levels, October, 1996

Bedroom Type	City Wide Average Rent	Downtown Core Average Rent	141 Catharine Street South Average Rent
One-Bedroom	$485	$484	$498

The average monthly rent charges for 141 Catharine Street South are higher than the City of Hamilton average levels and generally higher than the Zone 1 - Downtown Core average rent levels. Based on the above table, it is apparent the market niche for 141 Catharine Street South is consistent with the rental marketplace.

Impact on Overall Supply of Rental Housing

The removal of the 57 units in this building will reduce the rental stock in the City and the Downtown Core Zone. The following table shows the rental stock for one-bedroom units and the impact of removing these units from the overall rental supply.

Geographic Area	Bedroom Type	Rental Stock	% Reduction of Rental Stock
City of Hamilton	All Units	30,815	-0.18%
City of Hamilton	One-Bedroom	14,925	-0.54%
Zone 1 - Downtown Core	All Units	3,277	-0.38%
Zone 1 - Downtown Core	One-Bedroom	5,850	-0.97%

The percentage reductions in the rental stock are small for the City as a whole and the Downtown Core Zone, should the units be converted to condominiums.

Criteria for Which Conditions May be Instituted

Potential Alternative Accommodation

A review was undertaken of the total number of vacant apartment units within Zone 1 - Downtown Core by monthly rent range. This determines the extent or availability of similarly priced rental accommodation within the same general geographic area of the subject property. The table below shows the actual distribution of rental units within 141 Catharine Street South by their monthly rental charge (information provided by the applicant) compared to the number

of vacant rental apartment units in the Downtown Core Zone as reported by CMHC as of October, 1996.

Rent Range	141 Catharine One-Bed (# of units in price range)	Downtown Vacant One-Bed
LT $360		
$360-379		
$380-399		
$400-419		**
$420-439	1	11
$440-459	9	10
$460-479	3	36
$480-499	23	40
$500-539	17	**
$540-579	4	12
$580+		**

** - Data suppressed by CMHC due to confidentiality and/or small numbers.

The units within the building at 141 Catharine Street are priced similarly to the vacant units within the Downtown Core Zone. Should the building be converted to condominiums, any tenants who move will have opportunity to find similarly priced accommodation. However, caution should be exercised given that the vacancy rate for the zone is below 2.0% for this type of housing and has been falling in the last two years.

Affordability of Units

In the past, a review of the rents for proposals for condominium conversion has been carried out to determine the affordability of the units. The review involved comparing the average rents to the affordable rents defined under the Income and Affordable Housing Price Data Information Bulletin (1995) that formed part of the Comprehensive Set of Policy Statements. With the passage of Bill 20, the Province has changed the policies relative to affordable housing and no longer releases information on affordable house prices. However, a review of the rents indicates that these units would be affordable to persons earning a minimum of $19,920.

Monthly Carrying Costs

A review of the monthly carrying costs for a tenant purchasing a unit is based on the following assumptions:

1. A downpayment of 10 percent;
2. Prevailing mortgage interest rates (1-Year - 5.20%, 3-Year - 6.15% and 5-Year 7.15%);
3. An amortization of 25 years;
4. Property taxes at approximately $125 per month; and,
5. A purchase price of $55,000 for the one-bedroom units (as indicated by the applicant).

Bedroom Type	Mortgage Term	Principal, Interest & Taxes (PIT)	Variation from Actual Average Rent	
One-Bedroom	One Year	$419	-$79	($498)
One-Bedroom	Three Year	$457	-$41	($498)
One-Bedroom	Five Year	$476	-$21	($498)

Based on the above table, the units are generally more "affordable" as owner-occupied compared to the actual average rent. It should be noted, however, that monthly condominium fees have not been included in the above estimates.

Summary

The rental apartment vacancy rate at the City of Hamilton level has been above 2.0 percent since April, 1992. However, the overall City vacancy rate masks very different vacancy rate trends for smaller geographic areas within the City. The subject property, 141 Catharine Street South, is situated within CMHC's Downtown Core Zone (Zone 1). As of October, 1996, the vacancy rate in this zone was recorded at 1.4 percent, a decline from the 1.8 percent level recorded in October, 1995. Since April, 1995, the vacancy rate has been below 2.0 percent (and declining) in the Downtown Core Zone which suggests the rental marketplace is not in a healthy, competitive situation.

IMPACT ON EXISTING TENANTS:

Some of the anticipated impacts on existing tenants have been noted in the preceding discussion. In particular, the fact that for one-bedroom the supply of vacant alternative rental units within the similar rental range being charged in 141 Catharine Street South is limited in the Downtown Core Zone.

TENANT INFORMATION MEETING:

On May 15, 1997, an information meeting was scheduled for the tenants with the applicant, the Ward Alderman, and staff of the Planning and Development Department. There were no tenants present from the building.

TENANT SURVEY RESULTS:

The applicant has submitted signed forms from 48 of the 57 tenants in the building. The forms state that the tenants have been informed of their options and are not opposed to the conversion of the building.

COMMENTS:

1. City Council may approve the application through Regulation O.Reg. 524/94 of the Rental Housing Protection Act if, in Council's opinion, the removal of these 57 rental units will not adversely affect the supply of affordable rental housing in the City. Based on a review of several rental housing market indicators, the removal of these 57 rental units will affect the supply of affordable rental housing in the City. The rental apartment vacancy rate in the Downtown Core Zone in which 141 Catharine Street South is located has been below 2.0 percent since April, 1995. An apartment vacancy rate between 2.0 percent and 3.0 percent is considered by CMHC as indicative of a healthy, competitive rental marketplace.

   However, on July 11, 1995, Council granted conditional approval to convert the subject building to condominium ownership. Due to the change of ownership, Council's previous approval lapsed. The application does not meet one of the essential criteria for conversion (vacancy rates) but, given Council's previous position on the matter, it is Council's policy to allow the conversion of this building and the current application can be supported on this basis.

   The conditions of approval are the City's standard conditions and are similar to the previous Council approval, with one exception. The previous Council approval granted existing tenants a three year lease; given the decline in vacancy rates in the past two years, a five year lease would be more appropriate. This length is consistent with previous Council decisions where the vacancy rates have been lower than two percent.

2. For the information of the Committee, the application was circulated to various agencies for comments. The comments received were as follows:

   - Building Department: an application for a building permit to commence the renovations to the property has been submitted to the Building Department. There are outstanding issues related to zoning conformity that may be required.
   - Treasury Department: the property taxes for the site are currently paid; and,
   - Law Department: no comments.

APPENDIX "A"

Unit 301 141 Catharine Street South
Unit 301
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 302 141 Catharine Street South
Unit 302
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 303 141 Catharine Street South
Unit 303
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 304 141 Catharine Street South
Unit 304
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 305 141 Catharine Street South
Unit 305
Hamilton, ON
L8N 2J7

Rent: $550.00

Unit 306 141 Catharine Street South
Unit 306
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 401 141 Catharine Street South
Unit 401
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 402 141 Catharine Street South
Unit 402
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 403 141 Catharine Street South
Unit 403
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 404 141 Catharine Street South
Unit 404
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 405 141 Catharine Street South
Unit 405
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 406 141 Catharine Street South
Unit 406
Hamilton, ON
L8N 2J7

Rent: $495.00

APPENDIX "A"

Unit 501 141 Catharine Street South
Unit 501
Hamilton, ON
L8N 2J7

Rent: $465.79

Unit 502 141 Catharine Street South
Unit 502
Hamilton, ON
L8N 2J7

Rent: $475.00

Unit 503 141 Catharine Street South
Unit 503
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 504 141 Catharine Street South
Unit 504
Hamilton, ON
L8N 2J7

Rent: $450.00

Unit 505 141 Catharine Street South
Unit 505
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 506 141 Catharine Street South
Unit 506
Hamilton, ON
L8N 2J7

Rent: $450.00

Unit 601 141 Catharine Street South
Unit 601
Hamilton, ON
L8N 2J7

Rent: $450.00

Unit 602 141 Catharine Street South
Unit 602
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 603 141 Catharine Street South
Unit 603
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 604 141 Catharine Street South
Unit 604
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 605 141 Catharine Street South
Unit 605
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 606 141 Catharine Street South
Unit 606
Hamilton, ON
L8N 2J7

Rent: $450.00

APPENDIX "A"

Unit 701 141 Catharine Street South
Unit 701
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 702 141 Catharine Street South
Unit 702
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 703 141 Catharine Street South
Unit 703
Hamilton, ON
L8N 2J7

Rent: $450.00

Unit 704 141 Catharine Street South
Unit 704
Hamilton, ON
L8N 2J7

Rent: $465.79

Unit 705 141 Catharine Street South
Unit 705
Hamilton, ON
L8N 2J7

Rent: $550.00

Unit 706 141 Catharine Street South
Unit 706
Hamilton, ON
L8N 2J7

Rent: $425.00

Unit 801 141 Catharine Street South
Unit 801
Hamilton, ON
L8N 2J7

Rent: $455.78

Unit 802 141 Catharine Street South
Unit 802
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 803 141 Catharine Street South
Unit 803
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 804 141 Catharine Street South
Unit 804
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 805 141 Catharine Street South
Unit 805
Hamilton, ON
L8N 2J7

Rent: $550.00

Unit 806 141 Catharine Street South
Unit 806
Hamilton, ON
L8N 2J7

Rent: $525.00

APPENDIX "A"

Unit 901 141 Catharine Street South
Unit 901
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 902 141 Catharine Street South
Unit 902
Hamilton, ON
L8N 2J7

Rent: $450.00

Unit 903 141 Catharine Street South
Unit 903
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 904 141 Catharine Street South
Unit 904
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 905 141 Catharine Street South
Unit 905
Hamilton, ON
L8N 2J7

Rent: $450.00

Unit 906 141 Catharine Street South
Unit 906
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 1001 141 Catharine Street South
Unit 1001
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 1002 141 Catharine Street South
Unit 1002
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 1003 141 Catharine Street South
Unit 1003
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 1004 141 Catharine Street South
Unit 1004
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 1005 141 Catharine Street South
Unit 1005
Hamilton, ON
L8N 2J7

Rent: $450.00

Unit 1006 141 Catharine Street South
Unit 1006
Hamilton, ON
L8N 2J7

Rent: $495.00

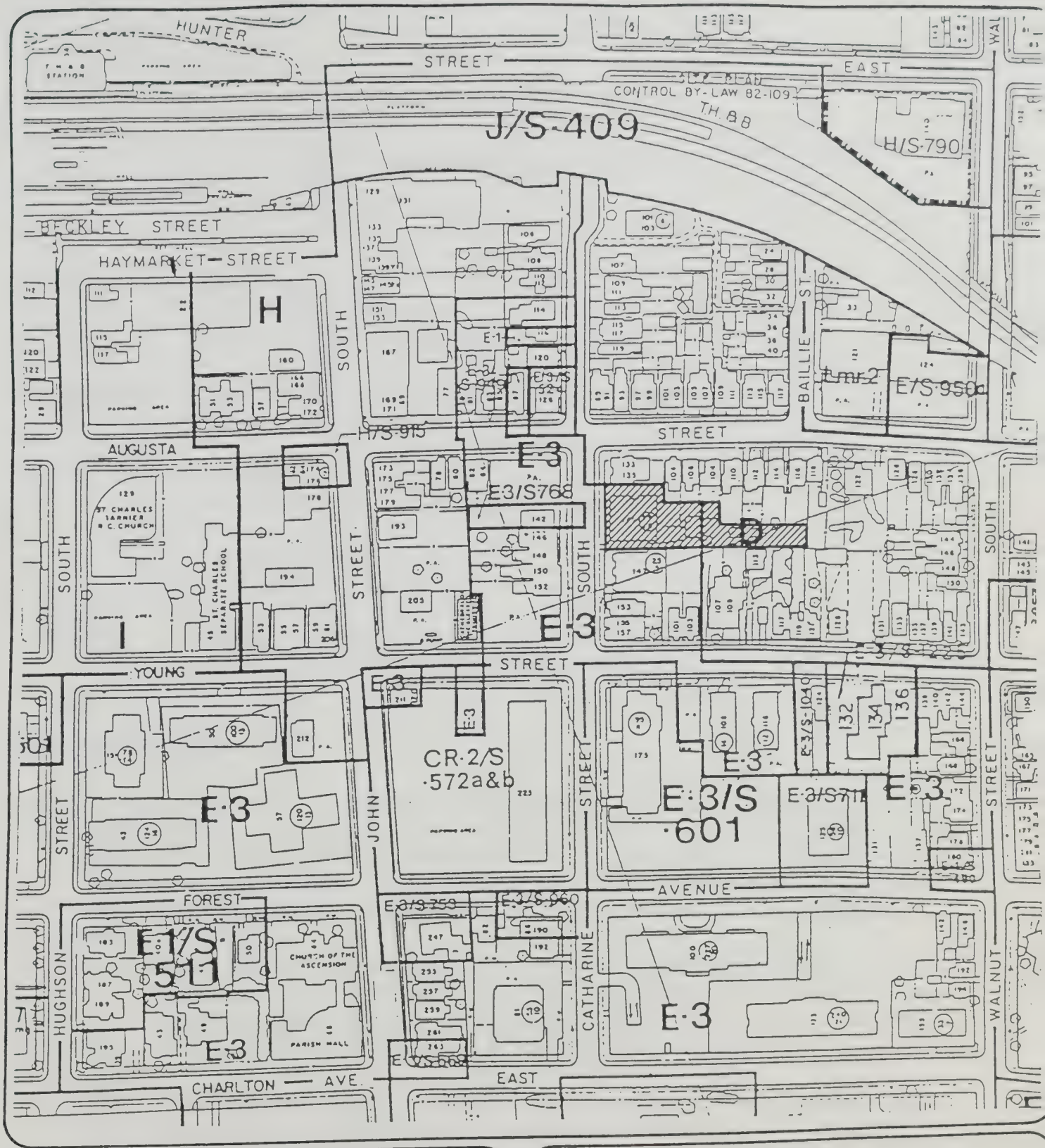
APPENDIX "B"

The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

(a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to purchase shall be prepared by the Owner and registered by the Owner at his/her expense, including payment of registration fees.

(b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.

(c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.



City of Hamilton

Key Map

Rental Housing Protection Act

141 Catharine Street South

Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	CD-97-001
	Date	Drawn By
	June 1997	FA

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 June 23
(SAC-97-02)
Glenview West Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Draft Plan of Subdivision "Bishop Ryan School Site"
(File No. SAC-97-02/Regional File 25T-97005)

RECOMMENDATION:

(a) That approval be given to Subdivision Application 97-02 (Regional File No. 25T-97005), DiCenzo Construction Company Ltd., owner, to establish a draft plan of subdivision "Bishop Ryan School Site", on lands located south of Queenston Road, east of Walter Avenue and west of Parkdale Avenue in the Glenview West Neighbourhood, as shown on the attached map marked as APPENDIX "A" subject to the following conditions:

(i) That this approval apply to the plan, prepared by Planning Initiatives Ltd. and certified by W. Bruce Clark, O.L.S. of MacKay, MacKay and Peters Ltd., dated April 7, 1997, showing 40 lots for single detached dwellings and two streets identified as Streets "A" and "B", attached as APPENDIX "B".

(ii) That the owner apply for and receive final approval for a change in zoning from the established "H" (Community Shopping and Commercial, etc.) District to "C" (Urban Protected Residential, etc.) District for Lots 1, 2, 3, 18, 19, 20, 21, 22, 23, 38, 39 and 40 prior to the registration of any phase of development.

(iii) That the Owner establish Streets "A" and "B" to their full 20.0m width and that these lands be conveyed to the City of Hamilton prior to registration of the final plan of subdivision.

(iv) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

(v) That access to Lots 1, 20, 21 and 40 be located at the south side of the lot.

(vi) That Streets "A" and "B" be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(vii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan.

(viii) That the final plan conform with the Zoning By-law approved under the Planning Act.

(ix) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan.

(x) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(xi) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.

(xii) The owner must satisfy all requirements, financial and otherwise of the City of Hamilton prior to the development of any portion of these lands.

(xiii) The owner must enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands.

(xiv) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-97004), DiCenzo Construction Company Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

DiCenzo Construction Company Ltd., owner.

Agent:

Serge Manchia, Planning and Engineering Initiatives.

Surveyor:

W. Bruce Clark, O.L.S. of MacKay, MacKay and Peters Ltd.

Location:

The lands are located south of Queenston Road, east of Walter Avenue and west of Parkdale Avenue in the Glenview West Neighbourhood (see APPENDIX "A").

Lot Size and Area:

The subject property has:

- a width of 178.5 m along Queenston Road;
- a depth of approximately 136 m; and,
- an area of 2.4 ha.

Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"H" (Community Shopping and Commercial, etc.) District and "C" (Urban Protected Residential, etc.) District
Surrounding Land Use		
to the north	Commercial uses and Single Detached Dwellings	"H" (Community Shopping and Commercial, etc.) District and "C" (Urban Protected Residential, etc.) District
to the south	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
to the east	Institutional Uses	"H" (Community Shopping and Commercial, etc.) District and "C" (Urban Protected Residential, etc.) District
to the west	Commercial and Single Detached Dwellings	"H" (Community Shopping and Commercial, etc.) District and "C" (Urban Protected Residential, etc.) District

Subdivision Proposal:

The owner has applied to subdivide the subject lands into 40 lots fronting onto 2 cul-de-sacs for single detached dwellings (see attached APPENDIX "B").

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban Area". The proposal complies with the intent of the Official Plan.

City of Hamilton Official Plan:

The subject lands are designated "Major Institutional". Based on Policy A.2.6.5, the proposed development complies with the Official Plan.

Neighbourhood Plan:

There is no approved neighbourhood plan for the Glenview West Neighbourhood.

Zoning:

The subject lands are zoned "H" (Community Shopping and Commercial, etc.) District and "C" (Urban Protected Residential, etc.) District. The proposal complies with the intent of the Zoning By-law.

COMMENTS FROM CIRCULATION:

- The Regional Environment Department has submitted the following comments and recommendations:

"For Information:

1. There is an existing combined sewers on Queenston Road to service these lands directly.

2. There is an existing watermain on Queenston Road to service these lands directly.

3. The existing road allowance width of this section of Queenston Road is 27.43m. Therefore, we do not anticipate any further road allowance widenings at this time.

4. As was clearly indicated at the preconsultation meeting with the applicant/owner, the Streets Division of the City of Hamilton Department of Public Works and Traffic and this Department's preference is the establishment of a crescent design instead of two cul-de-sacs from Queenston Road. Although the proposed cul-de-sacs appear to conform to the minimum geometric design requirements for a residential cul-de-sac (OPSD-500.2), this design may result in service and/or municipal trucks having to back out onto Queenston Road, a major arterial roadway, which in our opinion is undesirable. Further, a cursory review of the draft plan does not demonstrate that a crescent design provides less lot yield (possibly one more lot) than the cul-de-sacs although there is a difference in the lot fabric.

Recommendations:

1. The owner must satisfy all requirements, financial and otherwise of the City of Hamilton prior to the development of any portion of these lands.

2. The owner must enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands.

3. That access to Lots 1, 20, 21 and 40 be located at the south side of the lot.

The submitted plan as prepared by W. Bruce Clark, O.L.S. and dated April 4, 1997, is satisfactory to the Regional Environment Department subject to the above-noted comments and recommendations."

- The Traffic Division advised that:

"As previously stated in discussions with the applicant, our preference is that the property be developed as a crescent rather than two cul-de-sacs.

We recommend that the vehicular access to all lots be from the future local streets and that no vehicular access be permitted directly onto Queenston Road. In addition, access to proposed Lots 1, 20, 21 and 40 should be restricted to the southerly half of each lot.

Our review of the proposed plan indicates that the establishment of the two roadways connecting to Queenston Road will require the relocation of two hydro poles. The cost of the relocation of the hydro poles will be the responsibility of the developer."

- The Building Department advised that:

"1. The lands shown as Lots 1, 2, 3, 18, 19, 20, 21, 22, 23, 38, 39 and 40 are located in an "H" zone, which permits a single family dwelling on any vacant lot which adjoins a lot in which a dwelling is located.

2. One dwelling unit on the entire parcel of land (model home) would not be permitted in the "H" zone.

3. The lands shown as Lots 4, 17, 24 and 37 are located in an "H" and "C" zone.

4. The proposed lots conform with respect to minimum lot width and lot area requirements for single family dwellings.

5. The 0.30m reserve (Blocks 41, 42 and 43) along Queenston Road should be incorporated into the road allowance."

COMMENTS:

1. The proposal complies with the intent of the Official Plan. It is noted that the subject lands are designated "Major Institutional". Based on Policy A.2.6.5, the proposed development complies with the intent of the Official Plan. It should be noted a redesignation from "Major Institutional" to "Residential" will be done as part of a city initiative to reflect the proposed land use.

2. The application, has merit and can be supported on the following basis:

   - it complies with the intent of the Official Plan;
   - it complies with the "C" District regulations in Zoning By-law No. 6593; and,
   - it is compatible with existing and proposed development in the area.

3. Lots 1, 2, 3, 18, 19, 20, 21, 22, 23, 38, 39 and 40 are zoned "H" District. The "H" District permits a single family dwelling on any vacant lot which adjoins a lot in which a dwelling is located. However, the primary uses permitted in the "H" District are commercial. A commercial use could be legally established on these lots which could have an adverse affect on the abutting single detached dwellings. As such, the developer should be required to change the zoning from "H" District to "C" District.

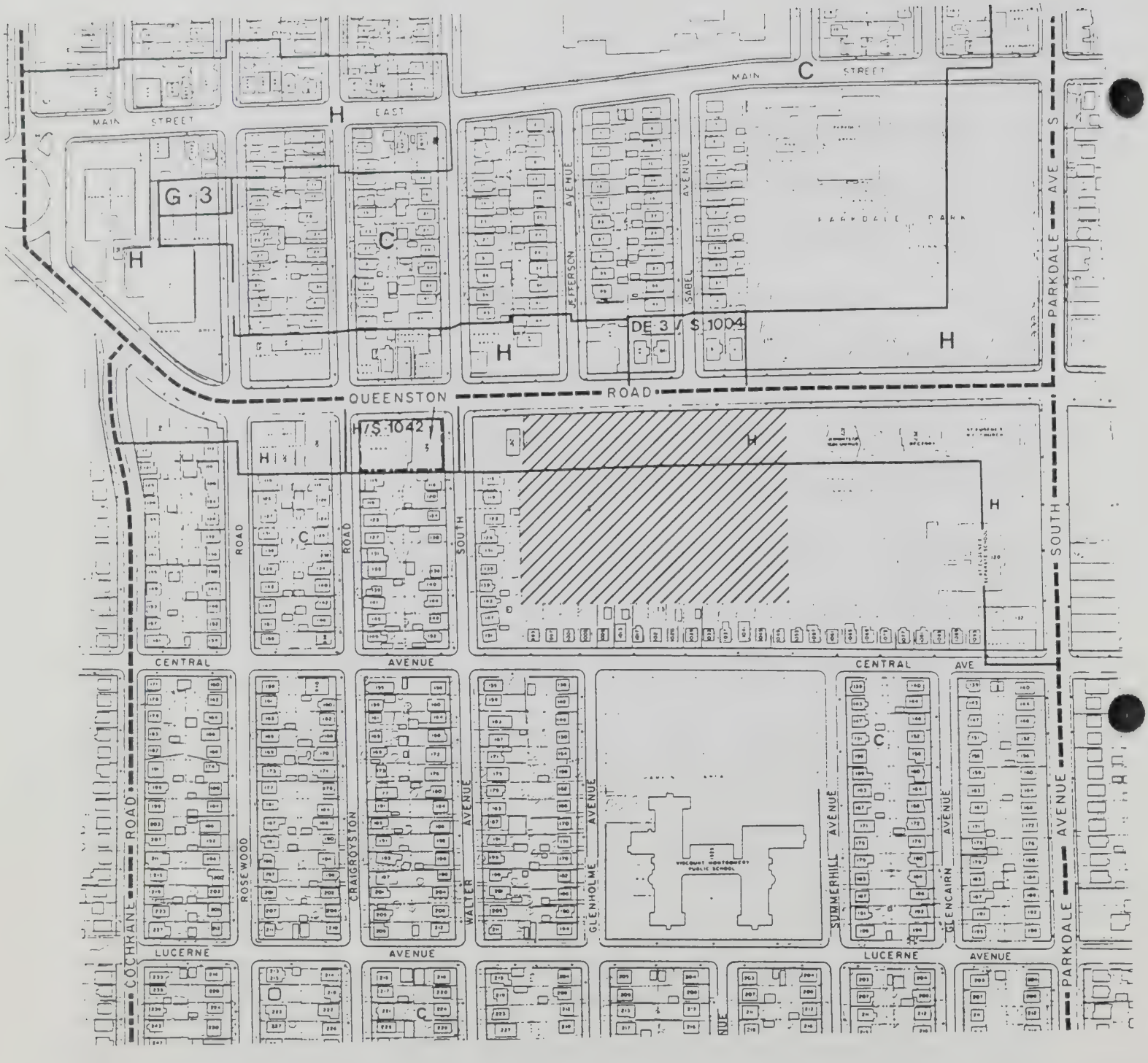
4. The subject lands are zoned "C" (Urban Protected Residential, etc.) District and "H" District. The provisions of the "C" District require a minimum lot width of 12.0 m (40 ft) and lot area of 360 sq. m (4,000 sq.ft). The lot widths for the proposed plan of subdivision are 12.0 m and 13.0 m. The majority of the lot widths for the abutting properties are 12m in width and 30.0 m in depth. As such, the dimension and shape of the proposed lots are in keeping with the lot fabric of the adjacent developed areas.

5. There are no municipal parks within the Glenview West Neighbourhood. However, immediately to the north of the subject lands is Parkdale Park which, in addition to open space, has an arena, tennis courts, sports area and a pool. The City could require the developer to dedicate 5% of the total area of the subdivision for parkland. This would provide 1,220 m^2 (0.3 ac) for parkland. This is equivalent to approximately 3 building lots which is considered too small an area for municipal purposes.

6. The Traffic Division and the Regional Environment Department have advised that it is their preference that the subject lands be developed with a crescent design, as opposed to two cul-de-sacs. A crescent road pattern maximizes pedestrian circulation and provides for improved access for service vehicles and would remove the potential for service and/or municipal trucks having to back out onto Queenston Road. In addition, the two cul-de-sacs have higher long term maintenace costs compared to a crescent design. However, as the proposed cul-de-sac design complies with existing municipal engineering design requirements, and that the developer does not support a redesign of the road pattern to a crescent, then the proposed plan of subdivision with two cul-de-sacs should be approved.

CONCLUSION:

On the basis of the foregoing, the application can be supported.



Legend

Site of the Application

Reference File No.	
SAC-97-02	
Drawn By	Date
R.L.	June 1997
Scale	
Not to Scale	
North	

APPENDIX "A

DRAFT PLAN
OF
SUBDIVISION
planning initiatives ltd
QUEENSTON ROAD
CENTRAL AVENUE
ISABLE AVENUE
JEFFERSON AVENUE
WALTER AVENUE
STREET 'A'
STREET 'B'
EXISTING RESIDENTIAL

APPENDIX "B

3a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 June 24
(P5-2-82)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P, R.P.P.,
Director, Planning and Development Department

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Amendments to the Jerome Neighbourhood Plan

RECOMMENDATION:

That the Jerome Neighbourhood Plan be amended by:

i) revising the road pattern to provide for a through street instead of a cul-de-sac;

ii) redesignating the lands municipally known as No. 191 Stone Church Road East from "Institutional and Recreational" to "Single and Double" Housing;

for the lands located north of Stone Church Road East, west of Upper Wellington Street, as shown on the attached map marked as APPENDIX "A".

V. J. Abraham

J. G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Neighbourhood Plan

Road Pattern

The Jerome Neighbourhood Plan was approved by City Council on June 24, 1989. The approved Neighbourhood Plan provides for a cul-de-sac that runs west to east from the mid block collector. However, there is an insufficient amount of land in this area to accommodate the bulb in the cul-de-sac (Figure 1 of APPENDIX "A"). The cul-de-sac, as originally contemplated, only would have allowed for single and double housing of the properties located between Nos. 163 to 185 Stone Church Road East. The lands at No. 191 were intended to be developed with the lands at the north-west corner of Upper Wellington and Stone Church.

The problem with the road configuration was identified when the proposed draft plan of subdivision was received for the rear lands of Nos. 117 to 131 and the entire property of 139 Stone Church Road East.

Land Use designation

The lands located at No. 191 Stone Church Road East are designated "Institutional and Recreational". This designation was part of a larger designation which included the lands east of the subject property. The lands at the north-west corner of Stone Church Road east and Upper Wellington Street were developed for a nursing home. At the time of the rezoning application in 1989, these lands were redesignated from "Institutional and Recreational" to "Civic and Institutional". Since the lands at No. 191 Stone Church Road East were not part of the nursing home development the designation of "Institutional and Recreational" was to remain until such time as an alternative land use was proposed.

- Proposed Plan of Subdivision

The proposed subdivision "Wellington Meadows", as shown on APPENDIX "B"", allows for the development of the subject lands for 24 small lot single-family (i.e. 10 m frontage) and 18 single-family dwellings (i.e 12 m). A portion of the proposed east/west cul-de-sac is part of this plan of subdivision.

RESULTS OF CIRCULARIZATION

- Municipal Departments

The Traffic Division of the Public Works and Traffic Department and the Regional Transportation Department are satisfied with the proposed road pattern provided the width

of the road is 20 m.

- Affected Property Owners

Letters were sent to the owners of the properties between Nos. 163 and 191 Stone Church Road East advising them a Public Meeting would be held to consider the road pattern change to the Neighbourhood Plan. To date, only the owner of 163 Stone Church Road East had contacted this Department. He did not indicate whether he was for or against the change. With respect to his property, the road configuration does not affect him directly since the road is in the same location and the same configuration as in the approved Plan. The land owners most affected by the proposed amendments are Nos. 185 and 191 (see APPENDIX "B").

COMMENTS:

1) The through street would allow the rear of the properties on Stone Church Road to allow to develop for single-family dwellings, which is the intent of the Neighbourhood Plan.

2) Based on the proposed road configuration and that the small size of the property at No. 191 Stone Church Road does not lend itself to "Institutional and Recreational" uses, it is appropriate to designate the lands for "Single and Double" Housing. This designation would allow for more comprehensive development of the lands in the south-east quadrant of the Jerome Neighbourhood.

3) For the information of the Committee, land assembly will be required to allow for the development of this portion of the Neighbourhood since there are 5 individual property owners. Land assembly is a very common occurrence in the development of large tracts of land.

3) The road configuration of the Neighbourhood Plan has an impact on the proposed plan of subdivision (SAC 97-01). As result, it is appropriate to deal with this issue prior to proceeding with the subdivision plan. If the amendments to the Neighbourhood Plan are not approved, Lots 34 to 42 and Street "C" within the proposed "Wellington Meadows" plan of subdivision should be redlined as one block for future development. This would allow staff to determine alternative land use pattern and road configuration for this portion of the Neighbourhood.

CONCLUSION:

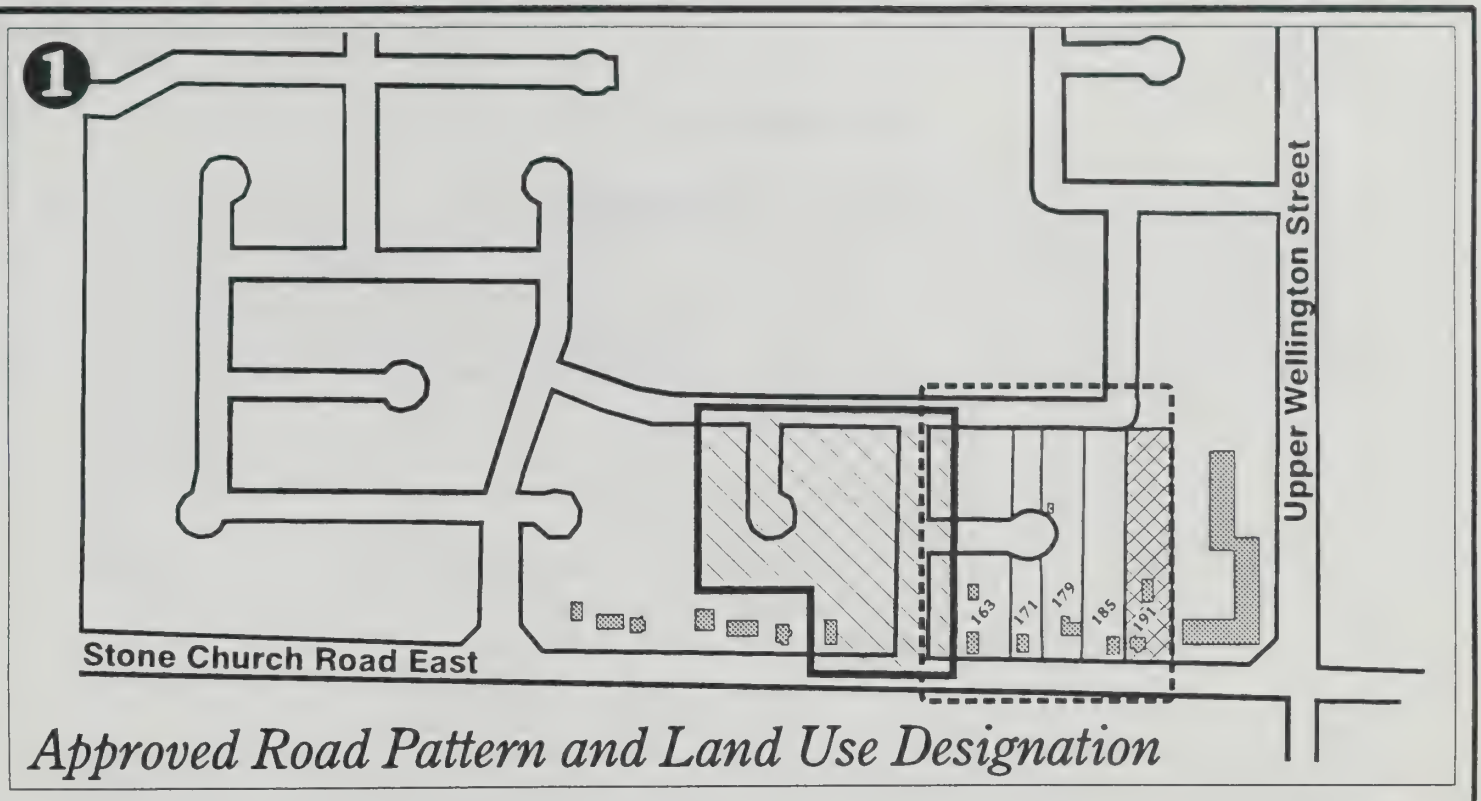
Based on the above, it is appropriate to amend the Jerome Neighbourhood Plan as follows:

i) revising the road pattern to provide for a through street instead of a cul-de-sac; and,

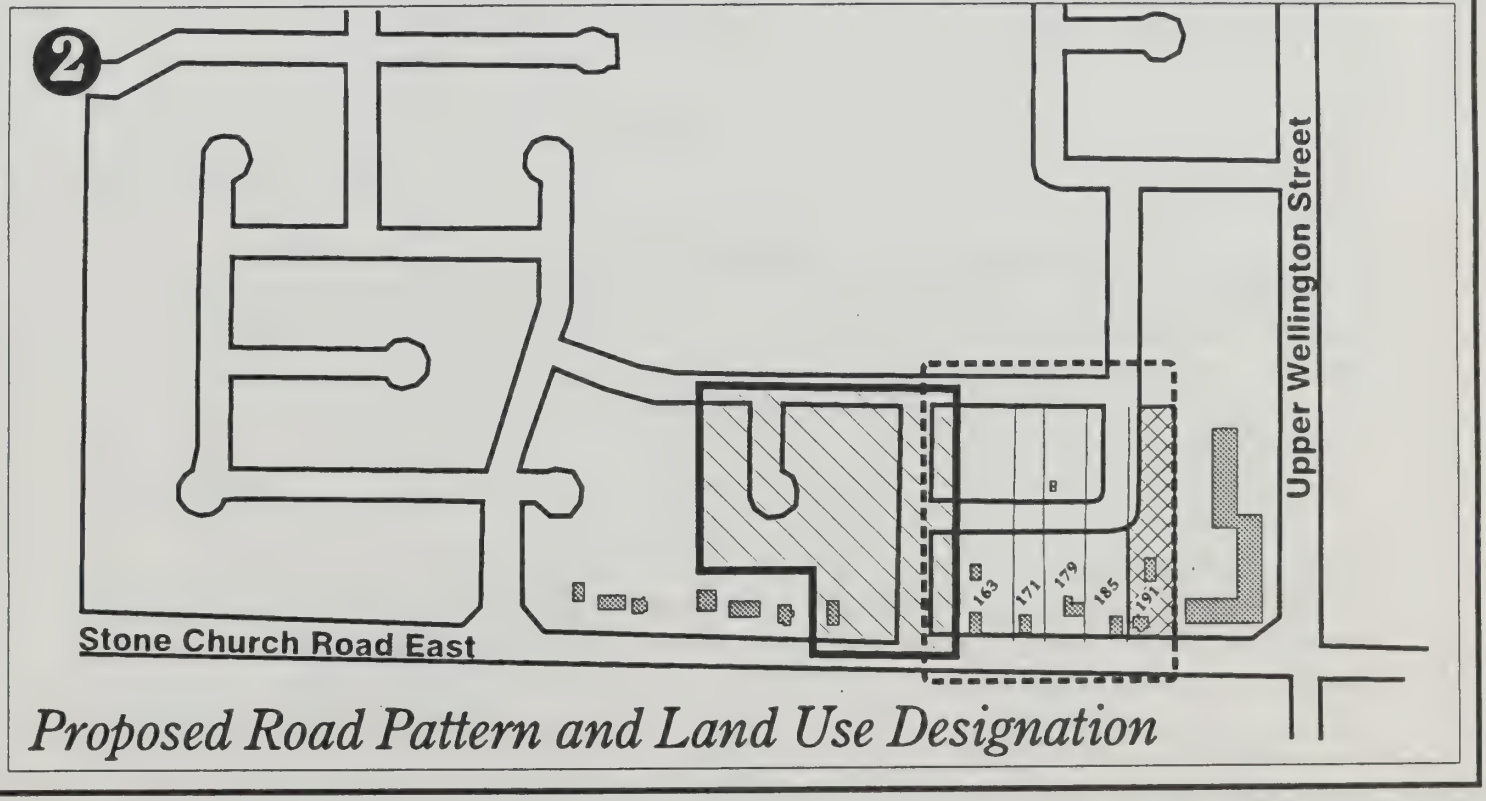
ii) redesignating the lands municipally known as No. 191 Stone Church Road East from "Institutional and Recreational" to "Single and Double" Housing;

for the lands located north of Stone Church Road East, west of Upper Wellington Street.

JHE
c:\neighpla\jerome



Approved Road Pattern and Land Use Designation



Proposed Road Pattern and Land Use Designation

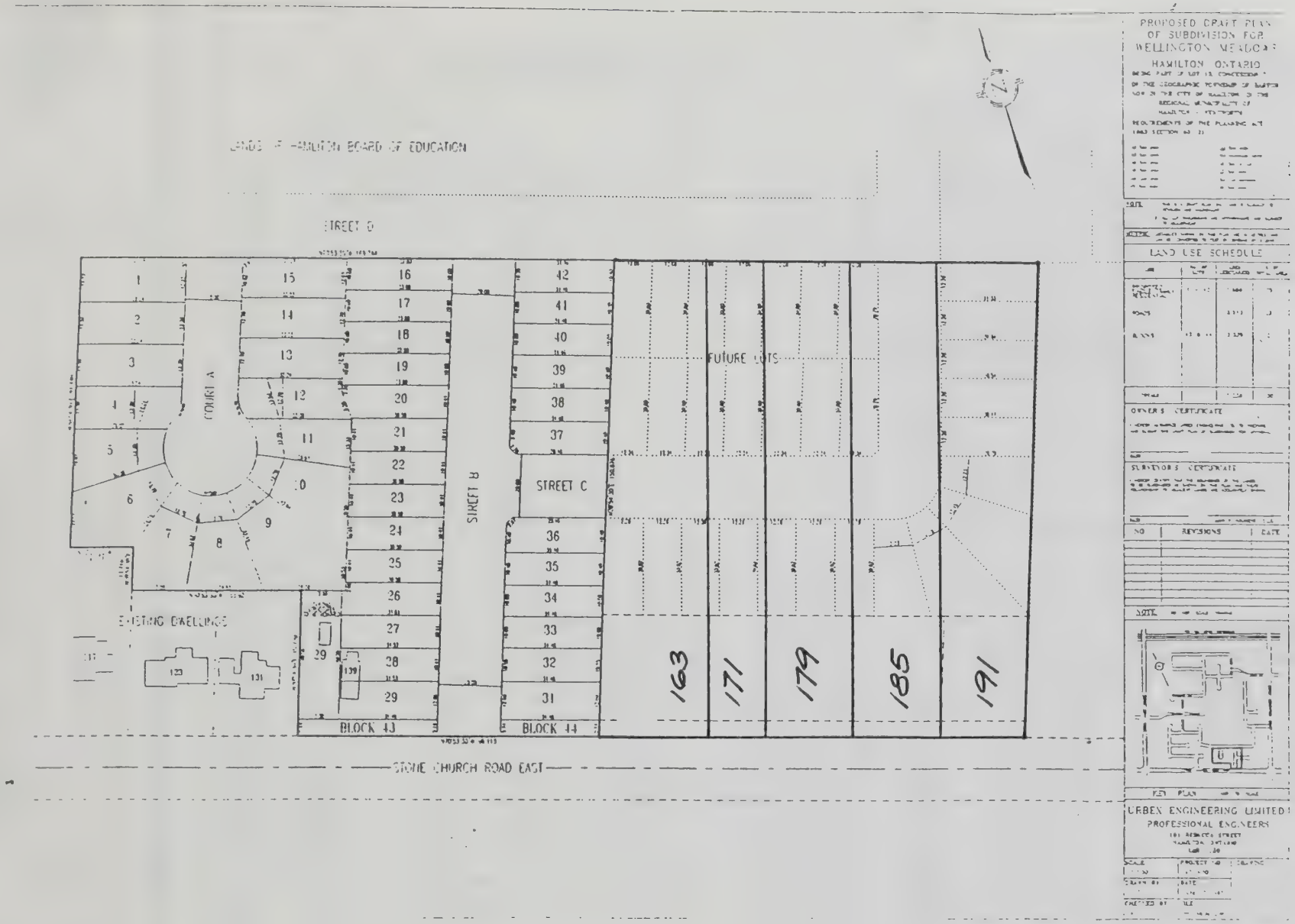
proposed plan of subdivision for single family dwellings

portion of Jerome neighbourhood affected by the amendment

change the designation from "Institutional and Recreational" to "Single and Double" Housing

P5-2-82

Appendix "A"


PROPOSED DRAFT PLAN
OF SUBDIVISION FOR
WELLINGTON MEADOWS
HAMILTON ONTARIO
LANDS OF HAMILTON BOARD OF EDUCATION
STREET D
COURT A
STREET B
STREET C
FUTURE LOTS
EXISTING DWELLINGS
BLOCK 43
BLOCK 44
STONE CHURCH ROAD EAST
163
171
179
185
191
LAND USE SCHEDULE
OWNER'S CERTIFICATE
SURVEYOR'S CERTIFICATE
NO
REVISIONS
DATE
KEY PLAN
URBEX ENGINEERING LIMITED
PROFESSIONAL ENGINEERS

APPENDIX "B"

36)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 June 20
ZAC-97-14 and SAR-97-01
Jerome Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Draft Plan of Subdivision ("Wellington Meadows") and request for changes in zoning - Nos. 117, 123, 131, 139 & 151 Stone Church Road East.

RECOMMENDATION:

(a) That approval be given to Subdivision Application 97-01 (Regional File 25T-97-004), Scarlett Homes, Ltd., applicant, to establish a draft plan of subdivision "Wellington Meadows", for lands located west of Upper Wellington Street, on the north side of Stone Church Road East, known municipally as Nos. 117, 123, 131, 139 & 151 Stone Church Road East, comprising of 42 lots for single detached dwellings, three future roads, two blocks for road widenings and one block for a 0.3 m reserve, subject to the following conditions:

i) That this approval apply to the plan, prepared by Urbex Engineering Limited Professional Engineers and certified by John P. Nouwens, O.L.S., dated April 8, 1997, as red line revised, showing 42 lots for single detached dwellings, 3 future roads, 2 blocks for road widenings and 1 block for a 0.3 m reserve (see attached APPENDIX "B");

ii) That lots 1 to 15 inclusive not be developed until such time as street access via the east-west portion of the "future street", currently on Lands of the Board of Education, is established and constructed to its full 20 m width from the west limits of Court "A" to the east limits of Street "B";

iii) That 0.3 m reserves be established at the east limit of Street "C" and at the east, west and north limits of the adjacent future street on the lands of the Board of Education and be dedicated to the City of Hamilton by deed;

iv) That any phasing of this development and any temporary works required to accommodate the same, be to the satisfaction of the Regional Environment Department;

v) That the applicant/owner include 1.0 m boulevards in the typical cross-section for this development;

vi) That the final plan conform with the applicable provisions of the "C" (Urban Protected Residential, etc.) District and "R-4" (Small Lot Single Family Dwelling) District in the City of Hamilton Zoning By-law No. 6593;

vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the Subdivision in the Final Plan;

viii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under section 51 of the Planning Act;

ix) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement, prior to the issuance of a final release by the City of Hamilton;

x) That the streets be named to the satisfaction of the City of Hamilton;

xi) That the streets be dedicated to the City of Hamilton as public highways in the final plan;

xii) That the owner prepare and submit, to the satisfaction of the City of Hamilton, a municipal street numbering plan;

xiii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;

xiv) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

(1) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

(2) That the Owner provide an inspection report prepared by a qualified professional engineer of all erosion and sediment control measures after each rainfall to the satisfaction of the Senior Director, Roads Department;

(3) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

(4) That all disturbed areas be revegetated with permanent cover immediately following completion of construction.

xv) That the Owner be required to enter into a modified subdivision agreement with the City of Hamilton prior to development of any portion of these lands;

xvi) That the applicant/owner agree in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SAR-97-01/25T-97004), "Wellington Meadows", proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

(d) That approval be given to Amended Zoning Application 97-14, Scarlett Homes Ltd., applicant, for changes in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Dwelling) District for Block "1", from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwelling) District for Block "2", and from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Block "3", for lands located at Nos. 117, 123, 131, 139 and 151 Stone Church Road East, to permit development of the subject lands for 24 small lot single-family dwellings and 15 single-family dwellings (3 single-family dwellings under the related subdivision application SAR-97-01 do not require rezoning), as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Dwelling) District;

ii) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwelling) District;

iii) That Block "3" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

iv) That the Director of Planning and Development be directed to prepare a by-law, in a form satisfactory to the City Solicitor, to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council; and,

v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for changes in zoning for lands located at Nos. 117, 123, 131, 139 and 151 Stone Church Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

Block "1"	-	from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Dwelling) District.
Block "2"	-	from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwelling) District
Block "3"	-	from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

The effect of the by-law is to permit development of the subject lands for single-family dwellings. Blocks "1" and "2" would contain 24 small lot single-family dwellings (ie. minimum 10 m lot frontage). Block "3" would contain 15 single-family dwellings (ie. minimum 12 m lot frontage). The related subdivision application SAR-97-01, includes the 39 dwelling lots under rezoning application ZAC-97-14, and an additional 3 single-family dwellings which do not require rezoning.

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

Scarlett Homes Ltd.

Agent and Surveyor:

Urbex Engineering Ltd., agent.
John P. Nouwens, O.L.S.

Location

The subject lands are located in the area east of Upper Wellington Street, on the north side of Stone Church Road East, within the Jerome Neighbourhood (see APPENDIX "A").

Lot Size and Area:

the subject lands are irregular in shape and have:

- a frontage of 96.113 m (315.33 ft.) on Stone Church Road East;
- a depth of 150.876 m (495 ft.); and,
- an area of 2.238 ha (5.53 acres).

Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands	Single-family dwelling and vacant land	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
Surrounding Lands		
To the north	Vacant land	"AA" (Agricultural) District
To the south	Single-family dwellings	"C" (Urban Protected Residential, etc.) District and "B" (Suburban Agriculture and Residential, etc.) District

To the east	Single-family dwellings and vacant land	"C" (Urban Protected Residential, etc. District and "AA" (Agricultural) District
To the west	Single-family dwellings and vacant land	"C" (Urban Protected Residential, etc. District and "AA" (Agricultural) District

SUBDIVISION PROPOSAL:

The application is to establish a plan of subdivision comprising of 42 lots for single detached dwellings, three future roads, two blocks for road widenings and one block for a 0.3 m reserve, as shown by APPENDIX "B". The 42 residential lots would include 24 small lot single-family dwelling lots (ie. minimum 10 m lot frontage) and 18 single-family dwelling lots (ie. 12 m lot frontage).

REZONING PROPOSAL:

The following changes in zoning are requested, as shown on APPENDIX "A":

Block "1" - from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Dwelling) District.

Block "2" - from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwelling) District

Block "3" - from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District

Blocks "1" and "2" would contain the 24 small lot single-family dwellings (ie. minimum 10 m lot frontage). Block "3" would contain 15 single-family dwellings (ie. 12 m lot frontage). An additional 3 single-family dwellings included in the proposed subdivision SAR-97-01 do not require rezoning, as they are already zoned "C" (Urban Protected Residential, etc.) District.

AMENDED REZONING APPLICATION:

On April 16, 1997, the Committee of Adjustment approved applications B-97-24 to B-97-27, to permit the severance of the rear portions of nos. 117, 123, 131 and 139 Stone Church Road East from the front portions. The intent was to sever the rear portions of the properties, so that they could be consolidated and developed by the applicant, Scarlett Homes. The existing dwellings located on the front portions of 117, 123, 131 and 139 Stone Church Road East were intended

to be retained. However, after approval of the severance, the owners of 139 Stone Church Road East decided to sell the entire property, and consequently, the draft plan of subdivision includes all of 139 Stone Church Road East. The existing dwelling on these lands will be demolished. The existing dwellings on the front portions of 117, 123 and 131 Stone Church Road East will be retained.

As a condition of land severance application B-97-24, for no. 117 Stone Church Road East, the applicant is required to obtain a variance to permit a reduced lot area, since the lands to be retained with the existing dwelling are zoned "C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District. Rather than submit a new application for a variance, the applicant requested on May 25, 1997, that application ZAC-97-14 be amended to include a portion the lands to be retained with the dwelling at 117 Stone Church Road East. Accordingly, the application has been amended to include these lands in Block "3", to be rezoned from "AA" to "C".

HAMILTON-WENTWORTH OFFICIAL PLAN:

The subject lands are identified as "Urban Area". The proposal complies with the Hamilton-Wentworth Official Plan.

CITY OF HAMILTON OFFICIAL PLAN:

The subject lands are designated "Residential" on Schedule "A" - Land Use Concept of the Official Plan. The proposal complies with the City of Hamilton Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double Residential" in the Approved Jerome Neighbourhood Plan. The proposal complies with the Neighbourhood Plan land use designation, as well as the proposed road pattern.

COMMENTS RECEIVED:

- The Building Department has advised that:

  "1. Demolition approval is required to remove the residential building (139 Stone Church Road East) by the Planning and Development Committee under the Demolition Control By-law.

  2. Demolition permit is required to be issued in the normal manner prior to removal of the residential building and garage.

3. The lot widths of the proposed lots appear to conform to the "C" and "R-4" Districts.

4. The lots areas of the proposed lots have not been provided to determine compliance."

- The Traffic Department has advised that:

"As a result of reviewing the details of this proposal, it has become clear that the approved Jerome Neighbourhood Plan in the area immediately to the east of these lands is unworkable. The applicants have suggested that the problem can be corrected by replacing the proposed cul-de-sac with an "L" shaped through street connecting to the east-west collector roadway immediately to the north of these lands.

We support the proposed change to the neighbourhood plan, however, if this neighbourhood plan amendment does not proceed, we recommend that proposed lots 34 through 42 and street "C" be held as a single block pending resolution of the neighbourhood plan issue.

Development of any lots on court "A" must be conditional on the establishment and construction of the east-west collector roadway immediately north of these lands. In addition, any staging of development along street "B" will require the provision of a temporary cul-de-sac on the applicant's lands."

- The Hamilton Region Conservation Authority have no comments or objections.

- The Roads Department has advised that:

"We have the following comments and recommendations with regard to the above noted proposed draft plan of subdivision, as submitted with your letter dated April 17, 1997.

INFORMATION

1) The location of Street "B" on the submitted draft plan of subdivision does not correspond to the location of Street "B" on our records (Sewer Plan 89-S-52).

2) In order to ensure that Street "C" and the development of the lands to the east is not impacted by this development, the owner should be advised that the neighbourhood plan to the east must be revised to eliminate the previously "proposed" cul-de-sac. According to our review, there does not appear to be sufficient lot depth between the proposed "east-west street"on the Board of Education lands and the widened limits of Stone Church Road east to establish sufficient lot depths and cul-de-sac radii.

3) The applicant/owner should be advised that the City will retain in the Subdivision Agreement securities for 50% of the above ground services and the land adjacent to the flankage of Lot 1 and 42.

4) Access to Lots 29 and 31 should be located on Street "B" at the northern limits and shown as such on the engineering drawings.

RECOMMENDATIONS

1) That Lots 1 to 15 (inclusive) not be developed until such time as street access via the east-west portion of the "future street", currently on Lands of the Board of Education, are established and constructed to its full 20m width from the west limits of Court "A" to the east limits of Street "B".

2) That Lots 34 to 42 (inclusive) and Street "C" not be developed and identified as a block on the plan until the Approved Jerome Neighbourhood Plan has been revised to reflect a more suitable street layout.

3) That the Court "A" road allowance and the Street "C" road allowance be established at 20m.

4) That the daylight triangles at the intersection of Street "C" and Street "B" be deleted.

5) That 0.30 metre reserves be established at the east limit of Street "C" and at the east west and north limits of the future street adjacent on the Lands of the Board of Education and dedicated to the City of Hamilton by deed.

6) That any phasing of this development and any temporary works required to accommodate the same, be to the satisfaction of the Regional Environment Department.

7) That the applicant/owner include 1.0 metre boulevards in the typical cross-section for this development.

8) That the applicant/owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.

The submitted plan as prepared by John P. Nouwens, O.L.S. stamped with the date April 7, 1997 is satisfactory to the Regional Environment Department subject to the above noted comments and recommendations."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. The proposal complies with the intent of the Approved Jerome Neighbourhood Plan.

   However, as a result of review of this subdivision application, it has been determined that the future extension of "Street C" to the east, will not provide sufficient depth for lots, if constructed as a cul-de-sac in accordance with the Approved Jerome Neighbourhood Plan. The applicant has submitted an alternative concept plan, for the lands to the east of the proposed subdivision, which proposes an "L" shaped through street, rather than a cul-de-sac, as shown on APPENDIX "C". This alternative has been reviewed and is supported by the Planning and Development Department, Traffic Division and Regional Environment Department. Accordingly, the Planning and Development Department has initiated an amendment to the Jerome Neighbourhood Plan, to revise the local road pattern. The Neighbourhood Plan amendment will be considered concurrently with these applications, at a Public Meeting.

   Although the proposed Neighbourhood Plan amendment does not directly affect the subject lands, if application SAR-97-01 is approved, the location of "Street C" will be fixed. This would limit the possible alternatives for development of the lands to the east. Since it has been determined that the proposed cul-de-sac for the extension of "Street C" does not work, this issue must be resolved, prior to the approval of the proposed subdivision. Consequently, if the proposed amendment to the Jerome Neighbourhood Plan is not approved by the Planning and Development Committee and Council, then it is recommended that approval of lots 34 to 42, inclusive, and "Street C" be deferred pending resolution of the Neighbourhood Plan issue. In this event, these lands should be redlined to provide for a block for future development.

3. The applications have merit and can be supported, on the following basis:

   - the proposed development would be compatible with existing and proposed single-family development in the area.

4. The Approved Jerome Neighbourhood Plan proposes an east-west road immediately north of the subject lands, over lands currently owned by the City of Hamilton Board of Education. This roadway must be constructed to provide access to Court "A". Consequently, the recommendation respecting the draft plan of subdivision includes a condition that lots 1 to 15 on Court "A" not be developed until the east-west road to the north is constructed.

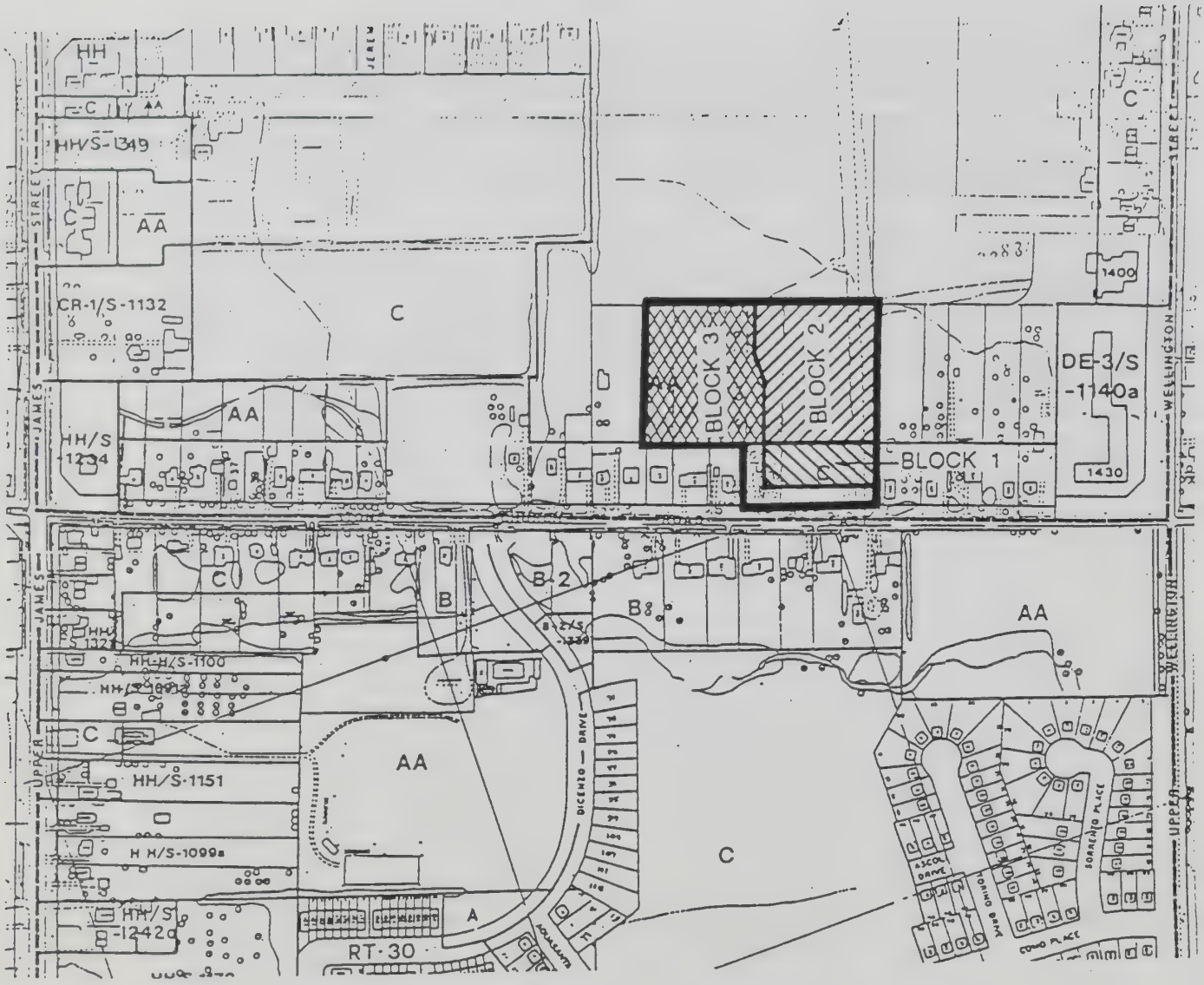
5. The draft plan of subdivision proposes an 18 m right-of-way width for Court "A" and Street "C". In accordance with the comments of the Regional Environment Department, redline revisions are required to increase the widths of Court "A" and Street "C" to 20 m.

6. The Approved Jerome Neighbourhood Plan identifies a neighbourhood park, including a wood lot, to north of the subject lands, abutting the proposed public school, on the south side of Towercrest Drive and Colin Crescent. As such, as a condition of draft plan approval, the applicant will be required to make a 5% cash-in-lieu of parkland dedication to the City of Hamilton.

CONCLUSION:

On the basis of the foregoing, the applications can be supported.

CL-M



Legend

Proposed change in zoning:

Block 1 — From "C" (Urban Protected Residential) District, to "R-4" (Small Lot Single Family Dwelling) District.

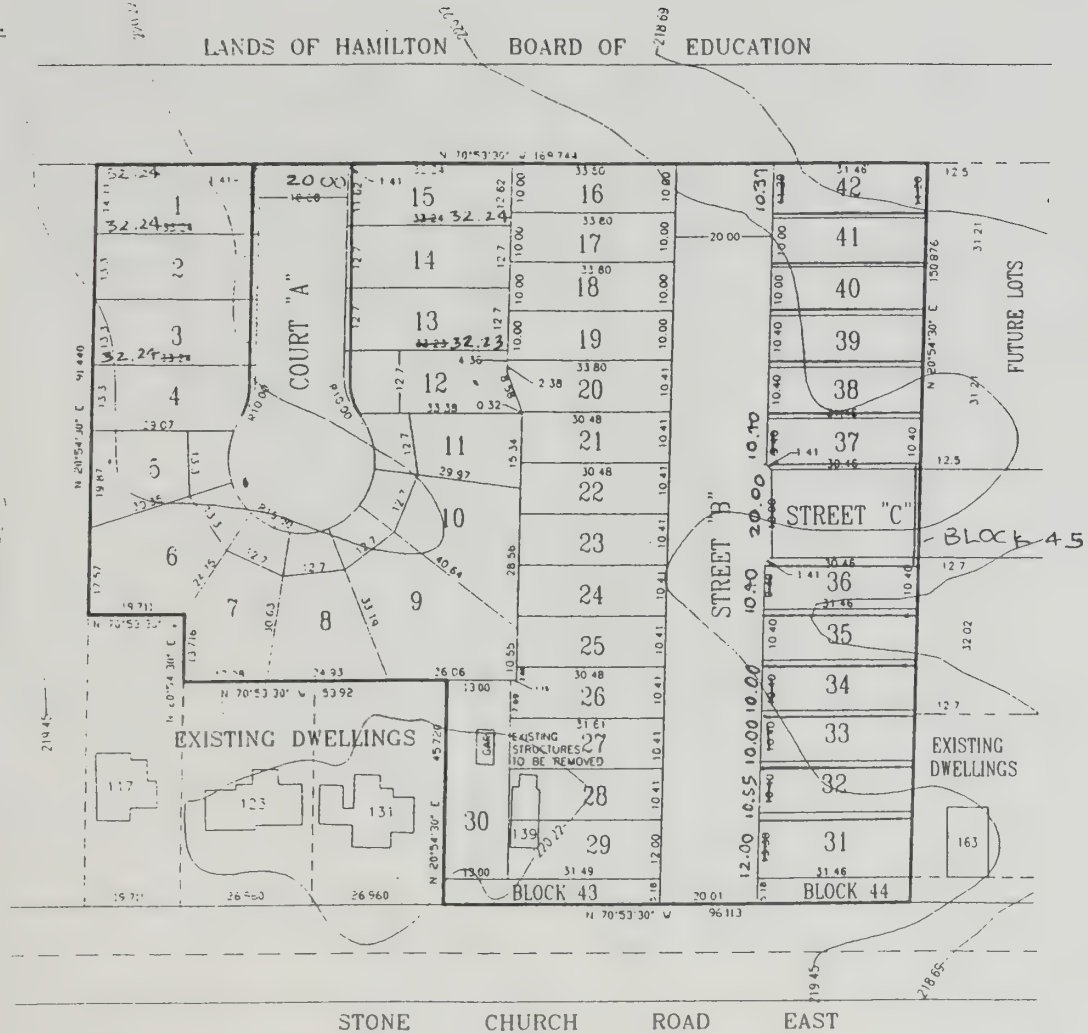
Block 2 — From "AA" (Agricultural) District, to "R-4" (Small Lot Single Family Dwelling) District

Block 3 — From "AA" (Agricultural) District, to "C" (Urban Protected Residential, etc) District

Subject Lands

Reference File No. ZAC-97-14 SAR-97-01	
Drawn By S.H.	Date May 1997
Scale Not to Scale	
North	

APPENDIX "A"



PROPOSED DRAFT PLAN OF SUBDIVISION FOR WELLINGTON MEADOWS

HAMILTON, ONTARIO

BEING PART OF LOT 13 CONCESSION 1 IN THE GEOGRAPHIC TOWNSHIP OF BARTON NOW IN THE CITY OF HAMILTON IN THE REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH

REQUIREMENTS OF THE PLANNING ACT 1983 SECTION 50 (2)

NOTE

METRIC

LAND USE SCHEDULE

USE	No. OF LOTS	AREA (HECTARES)	% OF TOTAL AREA
SINGLE FAMILY RESIDENTIAL	1 - 42	4.686	75
ROADS		1.513	23
BLOCKS	43, 44	0.039	2
TOTALS		6.238	100

OWNER'S CERTIFICATE

DATE

SURVEYOR'S CERTIFICATE

DATE

NO	REVISIONS	DATE

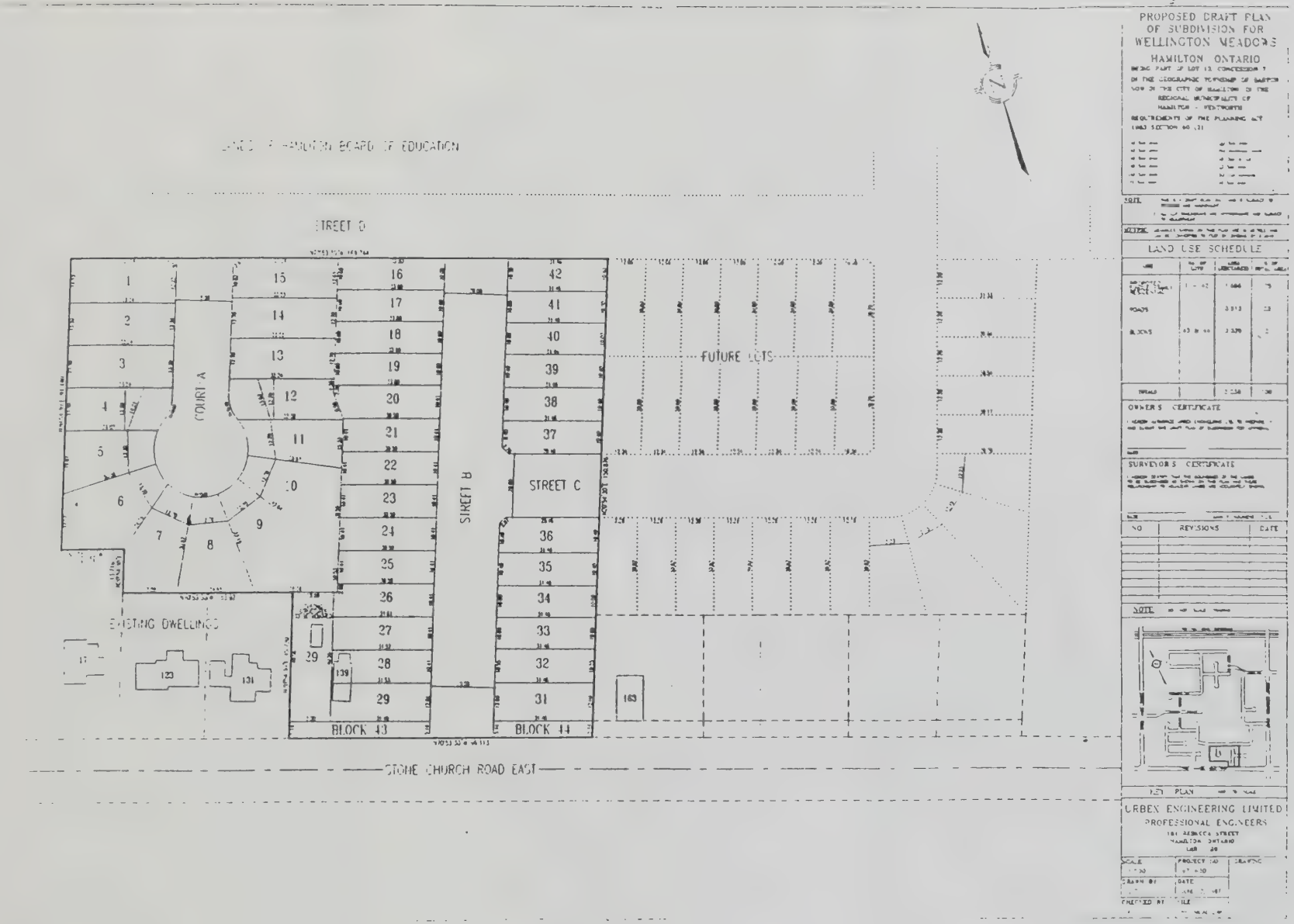
NOTE

KEY PLAN

URBEN ENGINEERING LIMITED
PROFESSIONAL ENGINEERS
181 REBECCA STREET
HAMILTON ONTARIO
L8R 1B8

SCALE	PROJECT NO	DRAWING
1:500	87-030	
DRAWN BY	DATE	
AS	APRIL 1 1988	
CHECKED BY	FILE	
AL	SYNOPSIS 12 (Rev 1)	

APPENDIX "B"


PROPOSED DRAFT PLAN
OF SUBDIVISION FOR
WELLINGTON MEADOWS
HAMILTON ONTARIO
LAND USE SCHEDULE
OWNER'S CERTIFICATE
SURVEYOR'S CERTIFICATE
NO
REVISIONS
DATE
URBEX ENGINEERING LIMITED
PROFESSIONAL ENGINEERS
STREET D
COURT A
STREET B
STREET C
FUTURE LOTS
EXISTING DWELLINGS
BLOCK 43
BLOCK 44
STONE CHURCH ROAD EAST

APPENDIX "C"

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Public Works Department on 199 7 June 23

3b2a)

152 Stone Church Rd. E.
Hamilton, Ont.
L9B 1A9.

June 17/97.

JUN 23 1997

ZAC-97-14.

Dear Sir, -

We are enclosing the reply card sent to us.

The reason we are opposed is that the homes on the south side of Stone Church Rd. E. are preferred residential (large lots)

We would like the north side of Stone Church Rd. E. (directly across from us) to remain "Urban Protected Residential for obvious reasons.

RECEIVED
POST DATED CHEQUE
JUN 19 1997
CITY OF HAMILTON
TREASURY TAX SECTION

Gene & May Snelling

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Public Works Department on 1997 June 23

3606

Robert C. Dickson Ph.D., M.D.

111 Stone Church Road East
Hamilton, Ontario
L9B 1A8

JUN 23 1997

June 20, 1997

Secretary, Planning and Development Committee,
Planning and Development Department,
7th Floor, City Hall,
City of Hamilton

Re: Public Meeting July 2, 1997 9:45 am Room 233, 2nd Floor, City Hall, Hamilton
Applications by:
Scarlett Homes Ltd.
Appplication for Rezoning of Lands in the Jerome Neighbourhood and
Application for Approval of a Plan of Subdivision to be named "Wellington Meadows"
File Numbers: ZAC-97-14 and SAC-97-01

Dear Sir:

I wish to oppose the above applications. I wish to be notified of the decision of the Regional Municipality of Hamilton-Wentworth regarding the applications.

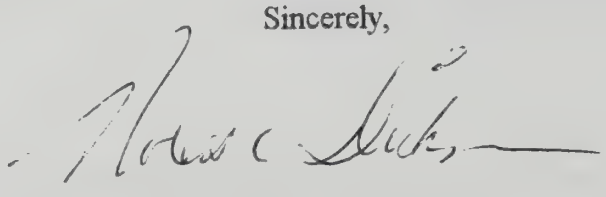
I recognize that the proposed change in zoning would appear to conform to the Official Plan. I am not sure that the nature, size and density of the development on 30' lots, conforms with the intent of the Jerome Neighbourhood Plan. I anticipate that these applications will be approved like all other central mountain development applications over the past 20 - 30 years. I would appreciate a list of developments which have been rejected. I expect that tax revenues are paramount in "planning". There could be no other explanation for the City continuing to erode green space, create increasingly intolerable traffic volume (ie. at the expanding, unlandscaped Tim Horton complex at Upper James and Stone Church Road, whose contribution to traffic complexity is almost certain to lead to fatal motor vehicle accidents.) and further promote decay of a once-thriving City core at the expense of peripheral development.

I object to development of Hamilton mountain by companies based out of our City with profit motivation and little regard for the environment or the nature of the community. The "subdivision" would be called "Wellington Meadows". This name would be misleading and inaccurate. The land is currently in active crop production. It would not be turned into a "meadow". It would be converted into an asphalt and concrete streetscape. It is not located near Wellington Street. I suggest that you insist on a more appropriate name.

Extensive blasting will be required in development if approved. I suggest that the Developer be required to post a bond (ie. $ 5 million) to cover potential damage to existing properties in the area during and precipitated by any blasting. If blasting is not anticipated, I suggest that it be stipulated that any development would cease immediately and entirely pending a new plan, if blasting should be "unexpectedly" required.

I deeply resent the waste of taxpayers' money on the series of meetings and generation of paperwork to approve planned development which is rarely (ever?) rejected. I find appalling the item by item - one second per item - approval of Applications at City Council by Members who could not have had time to read the applications or consider their implications. I would appreciate my letter being read aloud at the July 2, 1997 meeting and at the City Council Meeting at which final approval is sought.

Sincerely,



Robert C. Dickson Ph.D., M.D., C.C.F.P.

cc. Scarlett Homes Ltd.,
2171 West Oak Trails Blvd.,
Oakville, Ontario L6M 3L3
Attention: Mr. John Chun

Turkstra, Mazza et al, Hamilton

Regional Clerk, Regional Municipality of Hamilton-Wentworth

36)c)

MAY 2 1997

MAY 20 1997

Robert C. Dickson Ph.D., M.D.

111 Stone Church Road East
Hamilton, Ontario
L9B 1A8

May 19, 1997

CC4

Planning Department,
The Corporation of the City of Hamilton,
City Hall, Hamilton

Re: Scarlett Homes Ltd.
Application for Rezoning of Lands in the Jerome Neighbourhood and
Application for Proposed Draft Plan of Subdivision
File Numbers: ZAC-97-14 and SAR-97-01

Dear Sirs:

Application has been made to rezone land from "agricultural" to "residential" in close proximity to my home on Stone Church Road. I understand that it is the intention of the developer to build single family homes on the property if rezoned. I personally do not object (except aesthetically) to the proposed rezoning and development, and will not oppose the rezoning which would appear to conform to the Official Plan. I do have reservations about the vague nature of a "Proposed Draft Plan of Subdivision" and about the increasing housing density achieved by rezoning from "Urban Protected Residential" ie. "C" to "Small Lot Single Family Dwelling" ie. "R4", as such development would not necessarily reflect the intent of the Jerome Neighbourhood Plan.

I have grave concerns regarding the physical characteristics of the proposed development. The developer will be well aware that in the entire area concerned - in fact the entire area bounded by Stone Church, Lime Ridge, Upper James and Upper Wellington - testing has demonstrated soil depth to approximate 6 feet everywhere except in small isolated pockets. The most recently constructed home in this area was relocated on its building site to avoid rock. All development in the area to date has required extensive ***BLASTING*** . Previous developments, sewer construction etc. even remote from our home, has resulted in compensable damage to our house and contents. Our house was constructed on the limestone bedrock underlying the area. Development on the lands for which rezoning is proposed will require blasting for services and foundations very close to our home.

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Public Works Department on 199 7 June 24

We have a collection of antique glass and other valuables which will be at risk when blasting is undertaken. The structure of our house will also be at risk. Stress imposed upon our family will be extreme. Despite claims to the contrary, blasting is NOT a "science". Legal counsel will be sought if and when blasting is proposed.

Sincerely,

Robert C. Dickson Ph.D., M.D., C.C.F.P.

cc. Scarlett Homes Ltd.,
2171 West Oak Trails Blvd.,
Oakville, Ontario L6M 3L3
Attention: Mr. John Chun

Turkstra, Mazza et al, Hamilton

Alderman Terry Anderson, City of Hamilton
Alderman Henry Merling, City of Hamilton

4.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 June 23
(P5-2-50)

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for Walkway Closure - Gilkson Neighbourhood

RECOMMENDATION:

That the approved Gilkson Neighbourhood Plan be amended by deleting the walkway located between Nos. 37 and 51 Glenvale Avenue.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As the owner of the walkway, the City will receive a nominal fee for sale of the walkway land after the walkway is closed. The City will no longer bear the maintenance costs for the walkway, once it is closed and the property is sold.

BACKGROUND:

In November of 1996, an application was submitted to amend the approved Gilkson Neighbourhood Plan to delete the walkway located between Nos. 37 and 41 Glenvale Drive. The application was submitted by Wentworth Condominium Corporation No. 16, on behalf of the condominium owners located at Nos. 444 and 500 Stone Church Road West. The walkway runs south from Glenvale Drive to the condominium property and terminates at the property line of the condominium project. The playground for the condominium project is located at the southern termination point of the walkway. The walkway is shown on the neighbourhood map, attached

as Appendix "A".

The Board of Directors submitted a letter with their application which outlines their reasons for requesting the closure (please see Appendix "B"). The reasons for requesting the closure are:

a) vandalism to the condominium units and playground equipment;
b) loitering and littering in the walkway and playground; and,
c) escape route - condominium owners have witnessed the police chasing persons through to the walkway and being unable to continue with the pursuit as the walkway is not wide enough to accommodate a vehicle.

NEIGHBOURHOOD INFORMATION MEETING:

An information meeting was held with residents of the area, the Ward Aldermen, and staff of the Planning and Development Department on March 5, 1997. Approximately twelve residents were in attendance at the meeting. The residents were from the condominium project and the residential neighbourhood to the north. The majority of neighbourhood residents in attendance at the meeting were in favour of the walkway being closed. One resident expressed concern over the potential for increases in the number of children cutting through back yards should the walkway be closed.

Four written submissions were received after the information meeting. All four favour closure of the walkway. Three of the submissions are from residents of the condominium project; the fourth is from a landowner abutting the walkway.

COMMENTS RECEIVED:

The following Departments and Agencies have no comment or objection to the walkway closure:

- Public Works and Traffic Department (Traffic and Streets Divisions);
- Hamilton-Wentworth Roman Catholic Separate School Board.

The Hamilton-Wentworth Transportation Department has provided the following comments:

"We have reviewed the proposed deletion of the public walkway between Nos. 37 and 41 Glenvale Drive on the understanding that the public walkway extends southerly from Glenvale Drive to the north limits of Block E on Plan M-66. Further, we understand that access through these private lands for pedestrians to access Stone Church Road from the internal neighbourhood has not been secured through rights-of-way registered on title or through the registration of the Condominium Corporations. Based on this information, we do not require the retention of this walkway for access or for sewer and water main purposes."

COMMENTS:

1. The walkway closure can be supported for the following reasons:

   i) the walkway is poorly located in that it terminates at the playground for the condominium project. The site design of the condominium project placed the playground at the southern terminal point of the walkway to allow access to the interior of the neighbourhood from the condominium project. However, this access is two-way and the condominium owners are experiencing vandalism, noise, loitering, and littering on their property.

   In addition, as the municipality does not have an easement over the condominium property for walkway purposes, the walkway could be closed at the condominium property line by erecting a fence. In this instance, the walkway would then be effectively useless as it would not provide access into the neighbourhood from the condominium property.

   ii) suitable alternative access exists from the condominium project to the interior of the neighbourhood. One parking area has direct access to Glenvale Drive; there is also pedestrian access to Courtland Avenue from the condominium project.

   iii) the walkway is not well designed. It is narrow (3 metres) and there is a grade change that does not allow direct sight from one end of the walkway to the other. New walkways are designed to provide clear sight lines from one end of the walkway to the other, thus providing a safer pedestrian environment.

   iv) none of the commenting agencies have expressed any objections to the walkway being closed.

2. Implementation of the walkway closure will be the responsibility of the applicant, Wentworth Condominium Corporation No. 16. An application will have to be made to the Regional Roads Department for closure of the walkway; the decision on closure is made by the City's Transport and Environment Committee. Once closed, the City lands will be sold to the adjoining landowners for a nominal cost.

CONCLUSION:

On the basis of the foregoing, the walkway closure can be supported.

MLT/

August 27, 1996

Neighbourhood Planning Committee
The City of Hamilton
Main Street West
Hamilton, Ontario

To whom it may concern:

Please accept this letter on behalf of the unit owners of Wentworth Condominium Corporation NO. 16: 444 and 500 Stone Church Road West, Hamilton.

As owners of these units we have some strong concerns regarding the existing pathway from Glenvale Ave. to the property of 444 and 500 Stone Church Road West.
We feel that our application to have the pathway closed be accepted for the following reasons:

1) **Vandalism** to the units and playground equipment, including graffiti and defacing as well as damage to phone lines on numerous occasions, is directly affected by this pathway. It has easy access for an entry and quick exit route.

2) **Loitering** in the pathway. This activity includes the consumption of alcohol and drug use which filters onto our property by way of broken bottles and drug paraphernalia. These articles filter directly onto our children's playground area.

3) **Escape route** during Police activity. Individuals have used this pathway as an escape route from and during chases. This has been directly witnessed by some homeowners. The police cannot drive through this route and therefore lose control of the at hand circumstance(s).

It should be noted for your information that the closing of the pathway was discussed and voted upon at the Annual General meeting of the Condominium Corporation. It was overwhelmingly agreed upon by the homeowners that they wished the pathway to be closed.

It has also been brought to our attention that this pathway is one of the few remaining in the City of Hamilton that runs from public property to private property.

We feel that for these reasons outlined that our application to have the pathway closed between Glenvale Ave and 444 & 500 Stone Church accepted and approved.

Sincerely,
The Board of Directors
Wentworth Condominium Corporation NO. 16

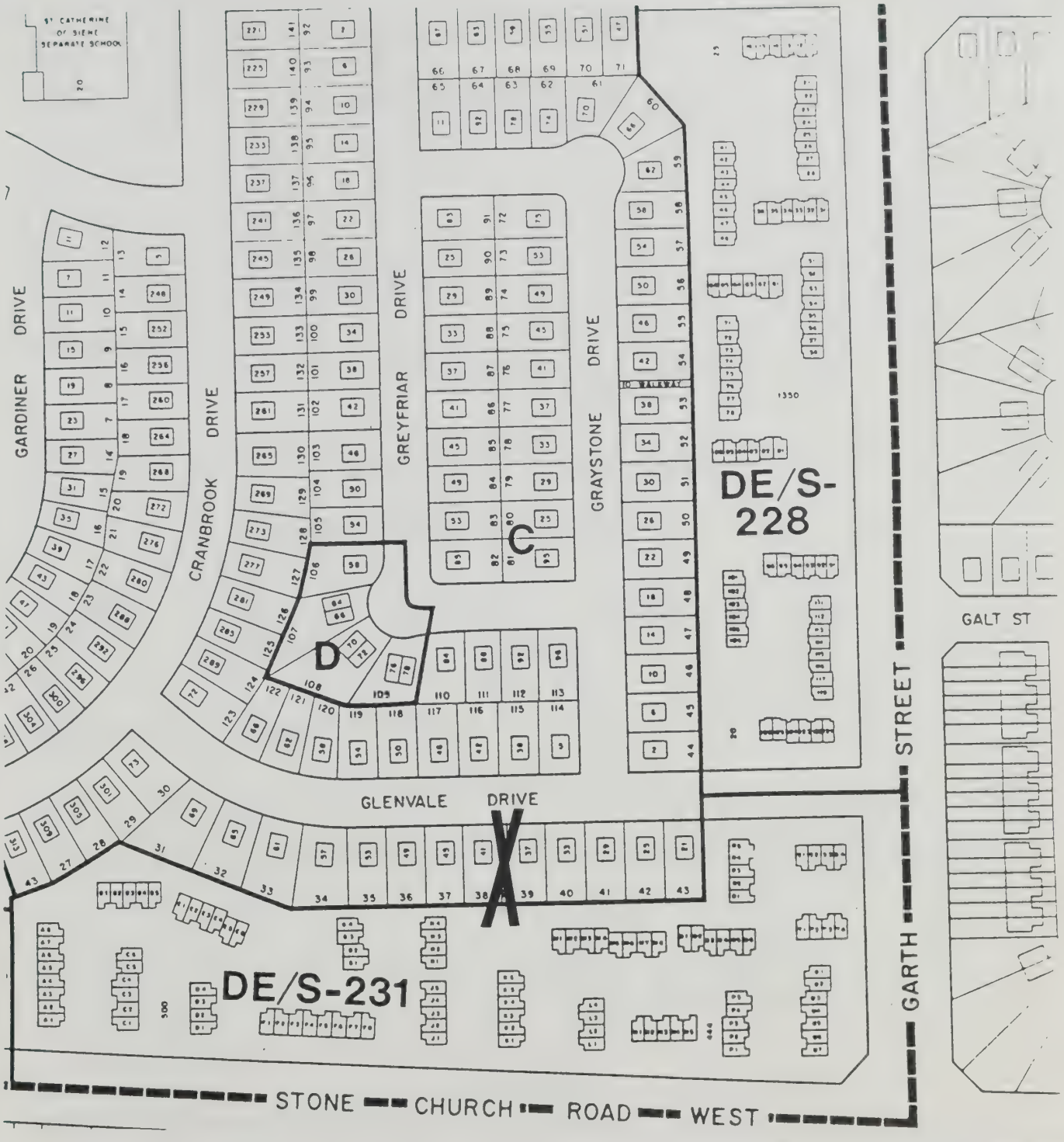
Paul Vukosa, President _____

Bill Irwin, Treasurer _____

Diana Gunderman, Secretary _____

Diana Zanin, Director _____

Bert Fong, Director _____



City of Hamilton

Key Map

Proposed Walkway Closure
Gilkson Neighbourhood

Planning and Development Department

Legend

X Proposed walkway closure

North	Scale	Reference File No.
	Not to Scale	
	Date	Drawn By
	FEBRUARY 1997	F A

5a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 June 25
Windermere Basin
OP-HAR(M)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Windermere Basin Study - Authorization for Public Meeting

RECOMMENDATION:

That staff be directed to schedule a Public Meeting of the Planning and Development Committee in accordance with the Planning Act, to hear public comment on the six land use options developed from the Windermere Basin Study (attached APPENDIX "A"), and that the appropriate Public Notice be given.

V.J. Abraham

J.J. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Windermere Basin is designated "Special Policy Area - Windermere Basin" on Schedule 'A' - Land Use Concept and Special Policy Area 4 on Schedule 'B' - Special Policy Areas of the Official Plan. Policy A.2.9.3.2 states:

> *"The Windermere Basin which is indicated on Schedule "A" and is shown as SPECIAL POLICY AREA 4 on Schedule "B", is established as an area subject to detailed study by the appropriate agencies and water-lot owners concerned in order to determine the most appropriate use of the Basin in the Official Plan. Council will, upon review of the findings and recommendations of such studies as may be carried out, consider an appropriate designation and initiate an amendment to this Plan."*

Windermere Basin is zoned "L-s" (Planned Development - Special Study) District by By-laws 83-240 and 83-232. The "L-s" District requires that this area may be rezoned "to an appropriate district in keeping with the findings of the Special Waterfront Study for the area so designated." The "Special Waterfront Study" referred to in the By-law is the Windermere Basin Study, attached as APPENDIX "A" to this report.

By-laws No. 83-232 and 83-240 were appealed to the Ontario Municipal Board by the Hamilton Harbour Commissioners along with a number of other by-laws, Official Plan policies and amendments passed by the City for lands around the Harbour. A condition of the Minutes of Settlement signed by the City and the Hamilton Harbour Commissioners on February 18, 1997, stated:

> **"6. With respect to the east and west sides of Windermere basin, the City of Hamilton committed to complete the staff report by June 30, 1997. Thereafter the Commissioners shall be at liberty to continue the Hearing of this issue before the Board."**

Accordingly, The Windermere Basin Study was forwarded to the Commissioners on June 30, 1997.

REPORT:

The Windermere Basin Study (APPENDIX "A" attached) has been prepared in accordance with Official Plan Policy A.2.9.3.2, noted above. The study addresses relevant background information such as, amongst others:

- the establishment and findings of the Windermere Basin Working Committee;
- planning controls;
- dredging and filling initiative;
- land use;

- services;
- identification of issues;
- the Hamilton Harbour Commissioners jurisdiction in the study area, and
- public consultation and implementation.

In addition, five land use options were developed initially for consideration of the Working Committee. In addition, a "preferred option" was developed by staff and discussed by the Working Committee. This option was further refined and added as a sixth option to the option package in the Study. The following are the six options recommended for consideration by the public at a formal Public Meeting of the Planning and Development Committee. Once the public input has been received, the Committee will be in a position to consider the ultimate land use of Windermere Basin, and make a recommendation to Council on the appropriate amendment to the Official Plan and zoning by-law. Options are illustrated on the attached maps.

Option 1 Heavy Industry

OP Designation- east and west sides "Industrial"
- water area "Open Water"

*Policy** *- Recognize land base created from contaminated sediment and development lands will have to be in accordance with Section 45 of the Environmental Protection Act (EPA) if developed by/for any other use than shipping and navigation by the HHC*
- Ministry of Environment and Energy has advised that a Section 45 is not required if the land is used by the Hamilton Harbour Commissioners under their federally regulated mandate of operating the Harbour. It is anticipated that the HHC will have to comply to any applicable regulations on the Federal level.

Zoning *- east and west side "K" (Heavy Industry,etc.) District*
- water areas "F-2" (Open Water) District

Positive Points
- consistent with lands to the south and west
- economic benefits from job creation and tax base
- good access to major roads and harbour

Negative Points
*- **major** environmental impacts => air and water quality implications, noise impact*
- low aesethic value
- views not improved
*- **major** land use conflicts*

*Option 2 - Heavy industry west side and "F-4" Modified** east side*

This option reflects the City's understanding of the HHC's position on the future development for this area.

OP Designation - east and west sides "Industrial", water area "Open Water"

Zoning - *"K" District on the west side only*
- *"F-4" (Waterfront Services) District, modified as per Minutes of Settlement signed by the City and the HHC*
- *"F-2" (Open Water) District*

Positive Points
- *"K" District on west consistent with existing zoning and uses and adjacent lands*
- *"F-4" District, modified consistent with Minutes of Settlement agreement between the City and HHC for East Port (Piers 25, 26, 27)*
- *economic benefits from job creation and tax base*
- *good access to major roads and harbour*
- *opportunity with "F-4" modified to improve views, aesthetic qualities*
- *consistent with land owners vision*
- *linear nature of new land base limited for little beyond expansion of existing uses*

Negative Points
- *environmental impacts, particularly with "K" District uses*
- *"K" low aesthetic or view opportunities*
- *land use conflicts*

Option 3 - Light/prestige industry

OP Designation - east and west sides "Industrial"
- *water area "Open Water"*

Zoning - *similar to "M-13" District - tourism related uses (tour boat, multi-use visitor complex, complimentary to gateway role)*
- *water area "F-2" (Open Water) District*

Positive Points
- *range of permitted uses reduces environmental impacts*
- *good opportunity for improvement of aesethic qualities and views*
- *enhance tourism opportunities*
- *economic benefits from job creation and tax base*
- *good access to major roads and harbour*

Negative Points
- minimal environmental conflicts
- development may not account for limitations created by linear nature of new land base

Option 4 Open space

OP Designation - east and west sides "Open Space"
- water area "Open Water"

Zoning - east and west sides "A" (Conservation, Open Space and Recreation) District
- water area "F-2" (Open Water) District

Positive Points
- best opportunity for improvement of aesethic qualities and views
- enhance tourism opportunities with visitor centre, museum, tour boats
- optimizes trail opportunities
- minimizes environmental impacts
- minimizes land use conflicts with residential
- economic benefits from ecotourism

Negative Points
- does not make efficient use of transportation opportunities or Harbour access
- may create land use conflicts with existing industry
- may be encouraging habitat preservation which may be contaminated

Option 5 - Light industry east side, heavy industry west side

OP Designation - east and west sides "Industrial"
- water area "Open Water"
Zoning - east side "M-13" modified (see Option 3)
- west side "K"
- water area "F-2" District

Positive Points
- range of permitted uses on east side reduces environmental impacts
- opportunity to improve of aesethic qualities and views on the east side
- enhance tourism opportunities on the north side
- "green entrance"
- economic benefits from job creation and tax base
- good access to major roads and harbour
- "K" District on west side is consistent with existing zoning and uses
- linear nature of new land base limited for little beyond expansion of existing uses

- consistent with land owners vision for west side

Negative Points
- environmental impacts => noise, air and water quality
- "K" low aesthetic or view opportunities
- land use conflicts

Option 6 - "F-4" modified (east side), Open Space, Heavy Industry (west side), "L-s" (Cells 4,5,8)

OP Designation - east and west side "Industrial"

- water area "Open Water"

- "buffer" and "nodes" around the perimeter of the water area and on both side at the mouth of the Red Hill Creek - "Open Space"

- policies (1) contaminated site and future development will have to be in accordance with Section 45 EPA if developed by/for any other use than shipping and navigation by the Hamilton Harbour Commissioners (2) parameters for urban design guidelines

*Zoning - east side - **ALTERNATIVE 1** - "F-4" (Waterfront Services) District modified (as per Minutes of Settlement signed by the City and the HHC - consistent with the City's official position for Piers 25 to 27*

***- ALTERNATIVE 2** - as ALTERNATIVE 1 except uses on Table 1 (APPENDIX "D") to be deleted as permitted uses. This Alternative removes a number of the "F-4"District modified uses in Alternative 1 which staff consider a having potential negative impacts on the adjacent residential uses.*

- "buffer" - perimeter of water area (east and west sides)
- "A" (Conservation, Open Space, Park and Recreation) District - width to be determined by landowners and recognized experts

- west side - "K" (Heavy Industry, etc.) District except areas known as Cells 4, 5 and 8. These will remain zoned "L-s" until there is appropriate scientific evidence demonstrating the location, health and/or viability of wildlife habitat. Such evidence will include soil testing in these areas. The City will undertake to rezone these areas, depending on the outcome of the evidence, to "K" or "A". It should be noted that Environment Canada is undertaking soil tests in these areas at the time of writing. On this basis, the location, viability and/or health of wildlife habitat may be known prior to a final decision being made on land use for the study area.

** This policy should be included in all options*
*** This is in reference to the Minutes of Settlement signed by the City and the HHC regarding a number of Official Plan and Zoning matters around the Harbour.*

The Windermere Basin Study was undertaken in accordance with Official Plan Policy A.2.9.3.2. The findings of the Study form the basis for the final recommendations on land use for the area and will necessitate an amendment to the Official Plan and zoning by-law. In this regard, and in accordance with the Planning Act, a formal Public Meeting of the Planning and Development Committee must be held and the appropriate Public Notice must be given.

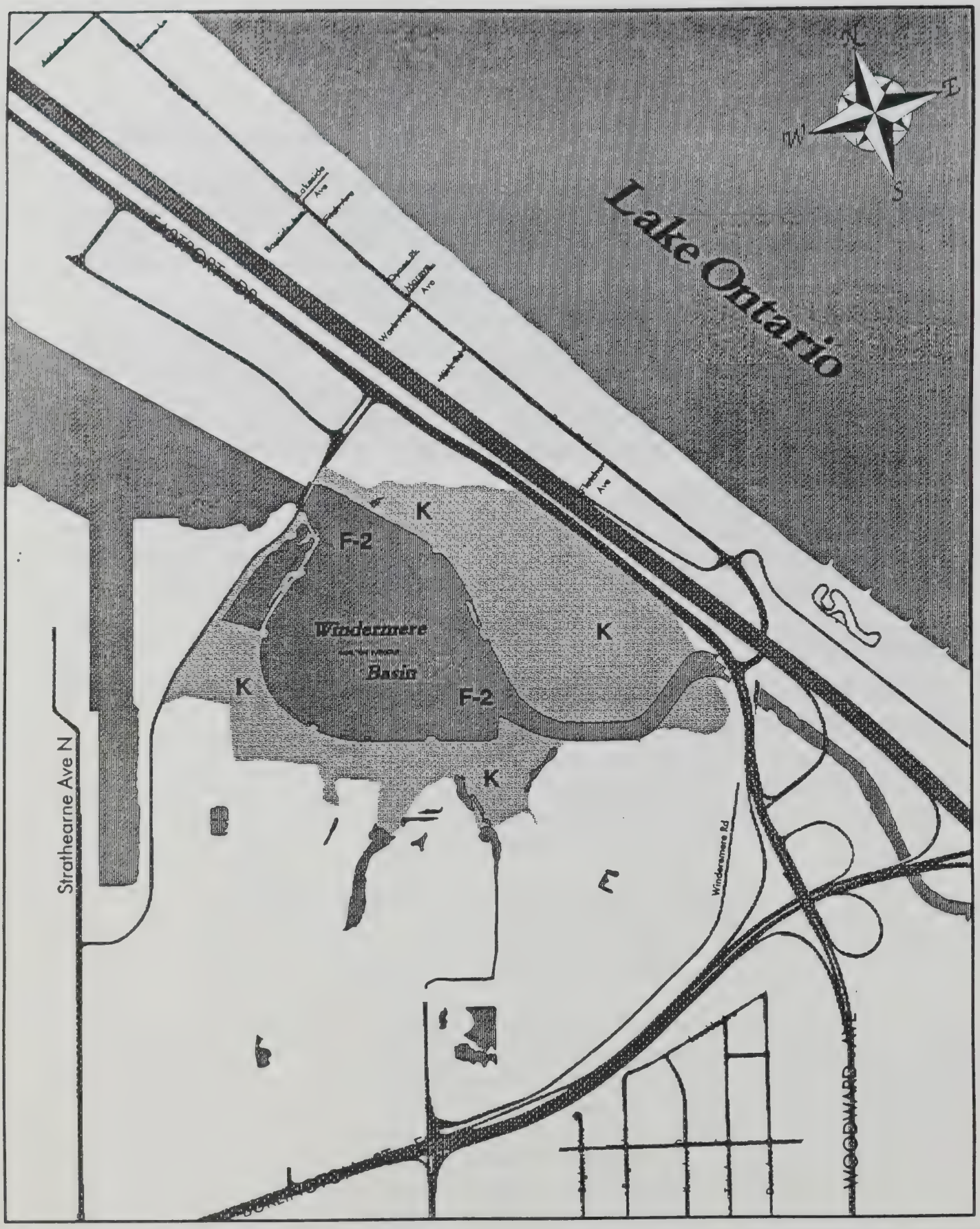
Given the significant public interest in this matter, a Public Meeting in September or early October is appropriate. At that time, the Committee may consider requesting the Working Committee to review the input received at the Public Meeting and make a recommendation on the appropriate land use strategy. Alternatively, the Committee could make a recommendation at that Public Meeting based on the six Options presented in the study.

The Planning Act requires only one Public Meeting, however the Planning and Development Committee may hold more than one meeting to consider this issue. Several Working Committee participants have indicated that this public consultation, in addition to the formal Public Meeting, take the form of mediation since there is a great divergence of opinion on this matter.

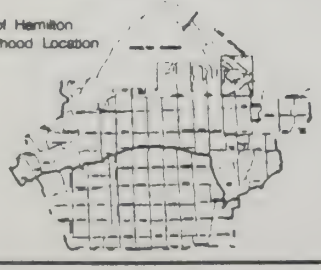
CONCLUSION:

Based on the foregoing, staff should be directed to schedule the appropriate Public Meeting and give the required notice.

CLF/
Winder/P&D/july2.97



City of Hamilton
Neighbourhood Location



LEGEND
Official Plan Designation

OPEN WATER

INDUSTRIAL

OPEN SPACE

OPTION 1

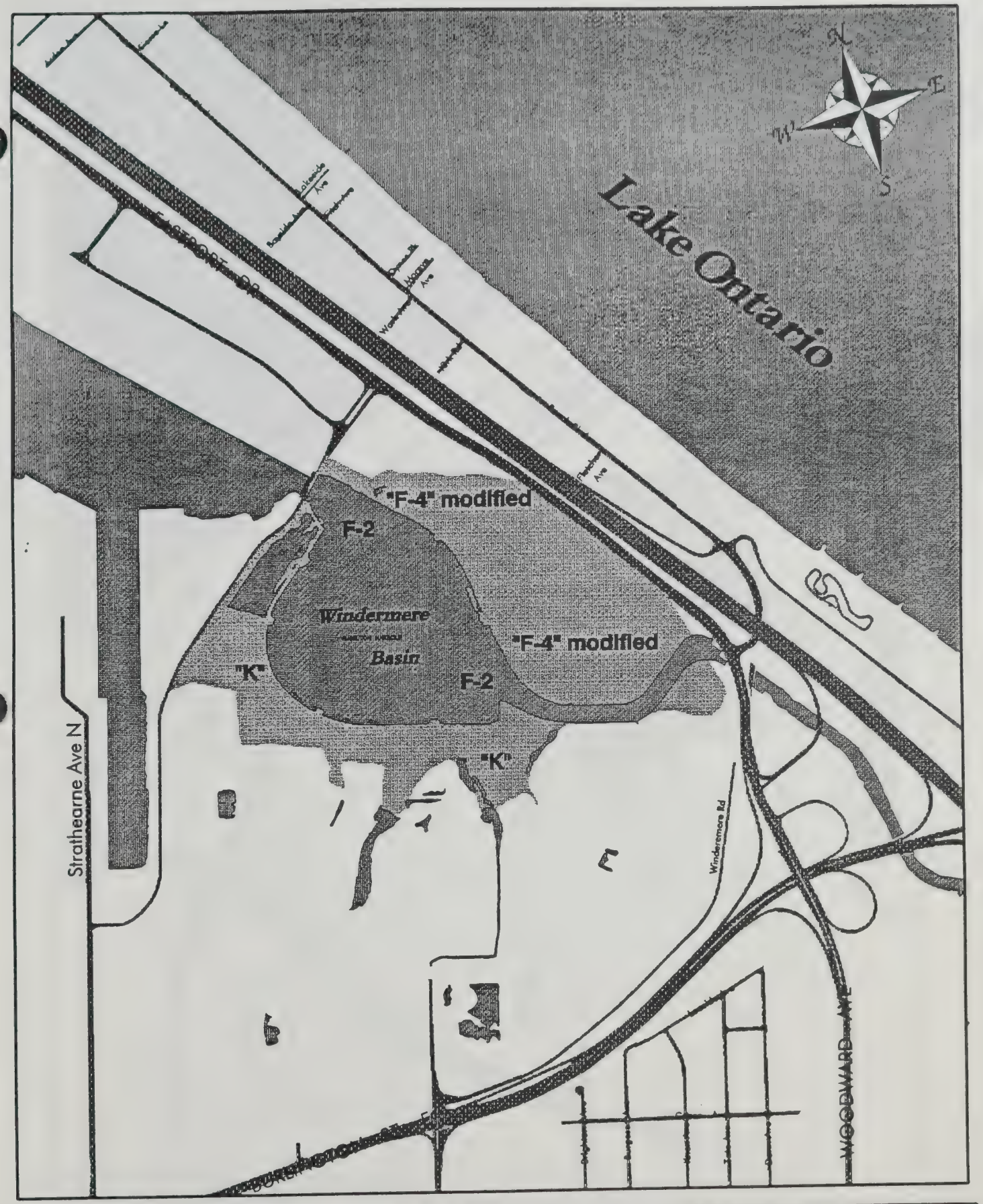
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Latest Map Revision

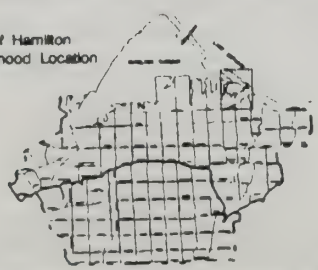
WINDERMERE BASIN STUDY

SPECIAL POLICY AREAS
SCHEDULE B TO THE OFFICIAL PLAN
FOR THE CITY OF HAMILTON

Mapping for the City of Hamilton by the Planning and Development Department
Note: This is a mapping document, not zoning verification, please contact the City Building Department.



City of Hamilton
Neighbourhood Location



LEGEND
Official Plan Designation

- OPEN WATER
- INDUSTRIAL
- OPEN SPACE

OPTION 2

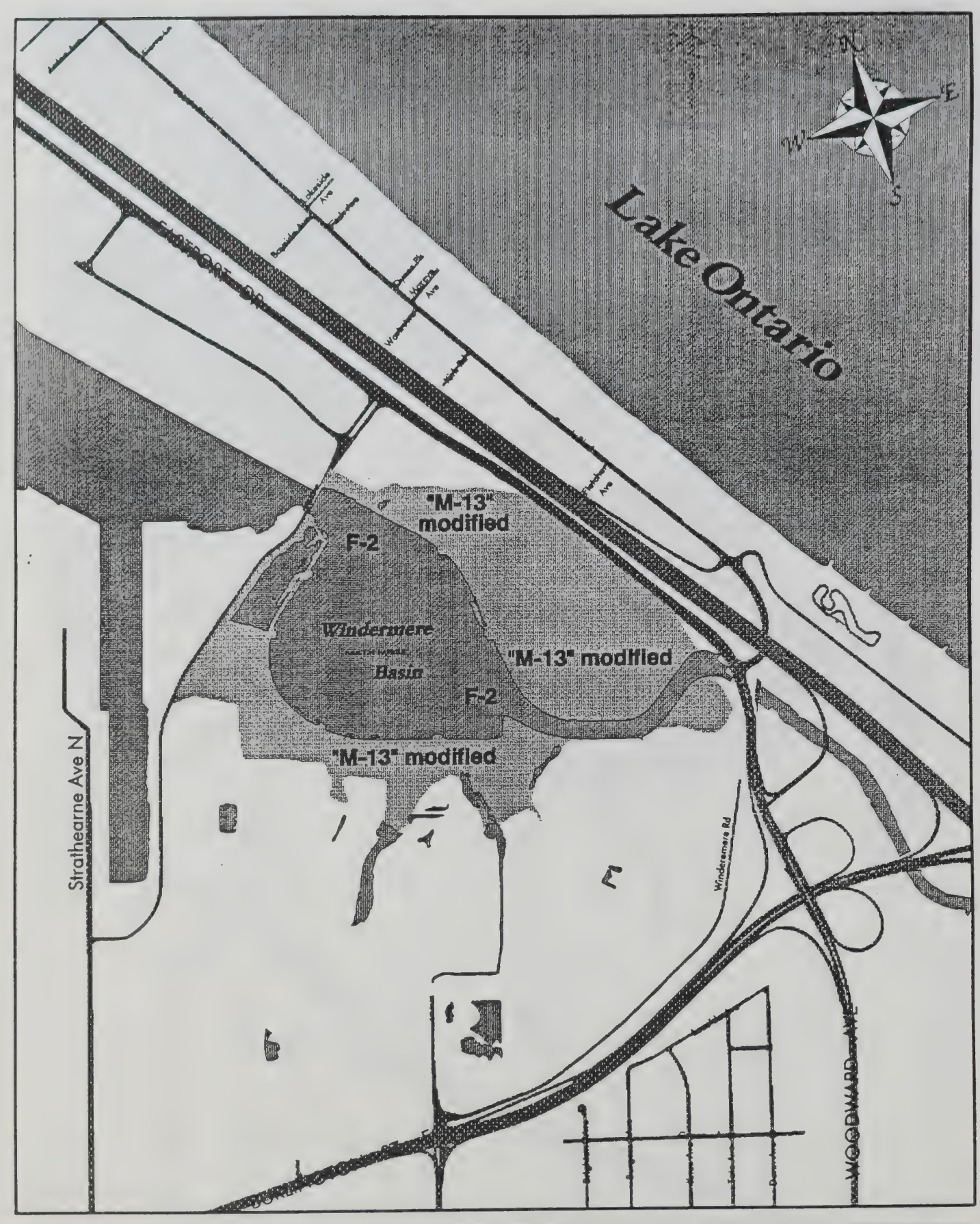
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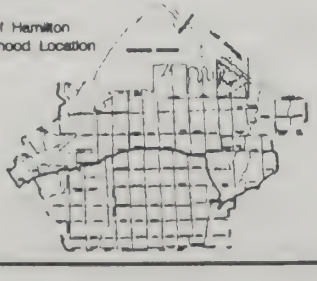
WINDERMERE BASIN STUDY

SPECIAL POLICY AREAS
SCHEDULE B TO THE OFFICIAL PLAN
FOR THE CITY OF HAMILTON

Prepared by the City of Hamilton by the Planning and Development Department.
Note: this is not a legal document. For zoning verification, please consult the City Building Department.



City of Hamilton
Neighbourhood Location



LEGEND
Official Plan Designation

- OPEN WATER
- INDUSTRIAL
- OPEN SPACE

OPTION 3

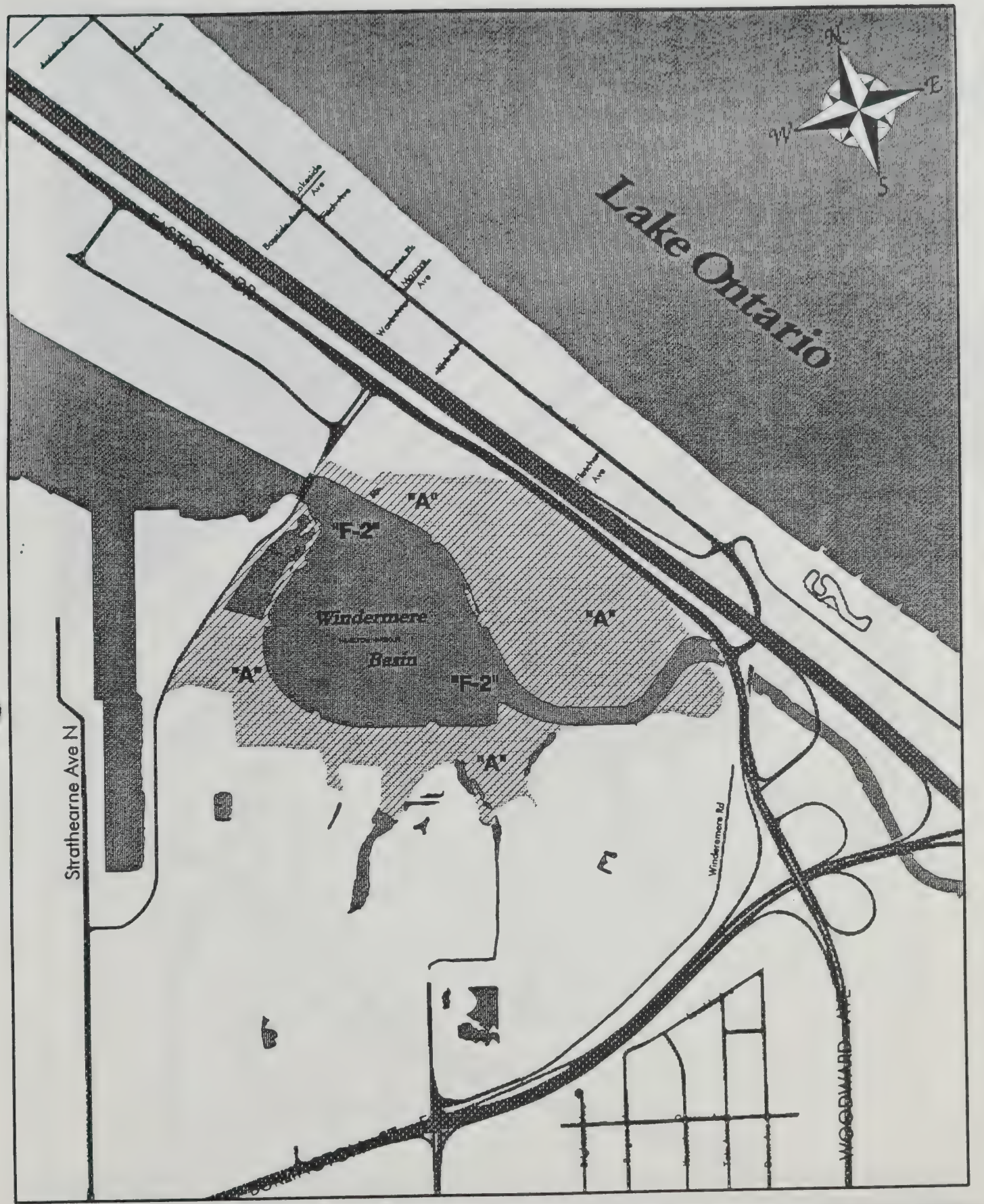
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Latest Map Revision

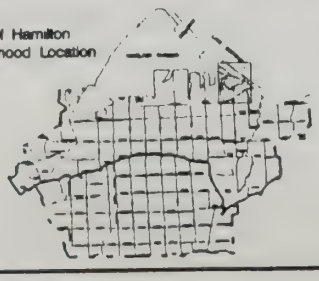
WINDERMERE BASIN STUDY

SPECIAL POLICY AREAS
SCHEDULE B TO THE OFFICIAL PLAN
FOR THE CITY OF HAMILTON

Prepared by the City of Hamilton by the Planning and Development Department
Note: This is not a legal document. For planning information, please contact the City Building Department



City of Hamilton
Neighbourhood Location



LEGEND
Official Plan Designation

OPEN WATER

INDUSTRIAL

OPEN SPACE

OPTION 4

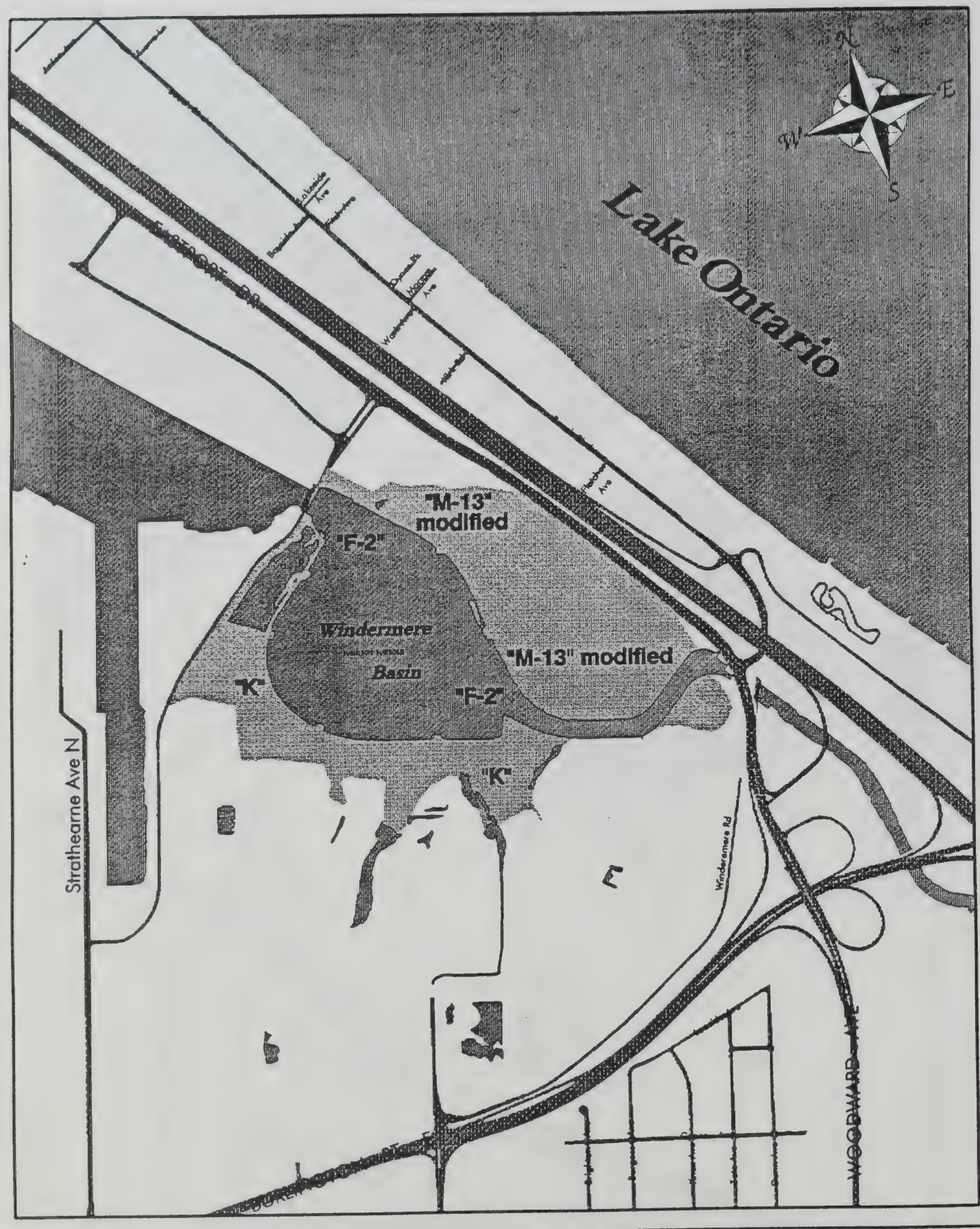
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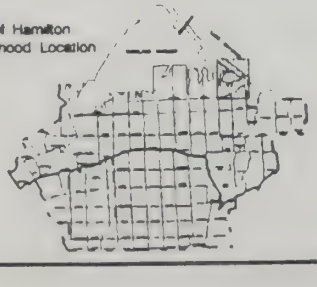
WINDERMERE BASIN STUDY

SPECIAL POLICY AREAS
SCHEDULE B TO THE OFFICIAL PLAN
FOR THE CITY OF HAMILTON

Prepared by the City of Hamilton by the Planning and Development Department
Maps: This is not a legal document. For zoning verification, please contact the City Building Department.



City of Hamilton
Neighbourhood Location



LEGEND
Official Plan Designation

- OPEN WATER
- INDUSTRIAL
- OPEN SPACE

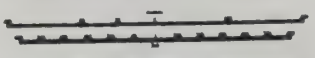
OPTION 5

North

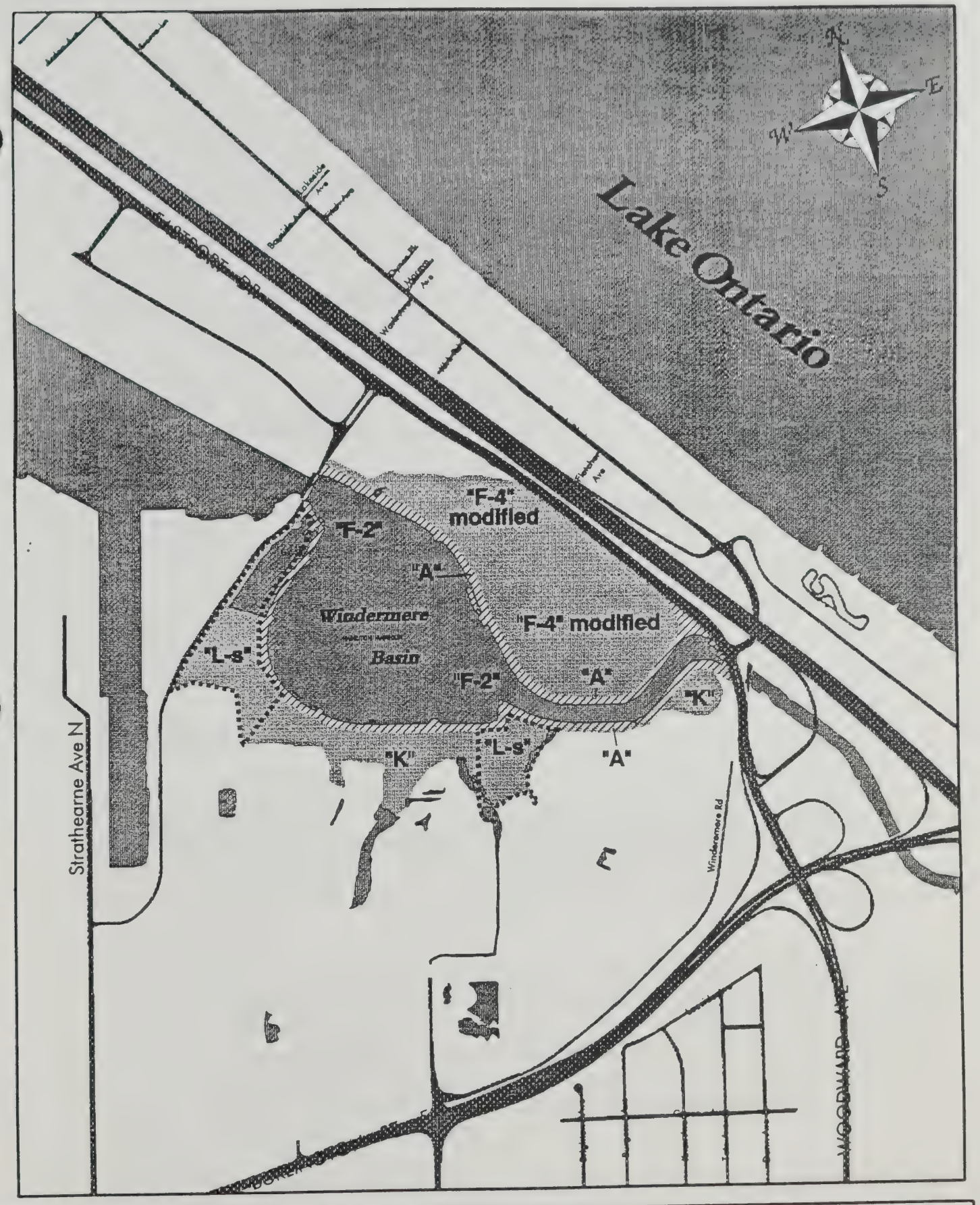
Latest Map Revision

WINDERMERE BASIN STUDY

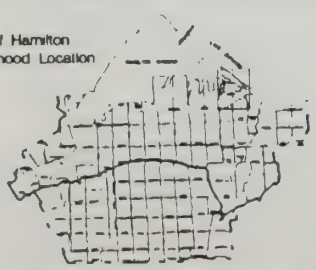
SPECIAL POLICY AREAS
SCHEDULE B TO THE OFFICIAL PLAN
FOR THE CITY OF HAMILTON



Prepared for the City of Hamilton by the Planning and Development Department
Note: This is not a legal document. For zoning verification, please contact the City Building Department.



City of Hamilton
Neighbourhood Location



LEGEND
Official Plan Designation

- OPEN WATER
- INDUSTRIAL
- OPEN SPACE

OPTION 6

North

Latest Mao Revision

WINDERMERE BASIN STUDY

SPECIAL POLICY AREAS
SCHEDULE B TO THE OFFICIAL PLAN
FOR THE CITY OF HAMILTON



Prepared within City of Hamilton by the Planning and Development Department
Note: This is not a legal document. For zoning verification, please contact the City Building Department.

P+D 1996 NOV 20 Tabled.
P+D 1997 JUNE 16 Tabled to July 2.

5b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 November 12
ZAC-96-11
Stipeley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a further modification in Zoning
73 Garfield Avenue South

RECOMMENDATION:

That Zoning Application 96-11, Alfrin Enterprises Corporation (Al Frisina), owner, requesting a further modification to the established "C" (Urban Protected Residential, etc.) District for lands located at 73 Garfield Avenue South, to permit a residential care facility for 50 residents, as shown on the attached map marked as APPENDIX "A", be **DENIED** on the following basis:

(i) The proposal represents an over intensification of the site in that a residential care facility with a maximum capacity of 6 residents is permitted as-of-right in the "C" District. The proposed capacity is 8.33 times higher than the maximum number of residents permitted in the "C" District. Such a facility would be considered to be an institutional use and therefore is contrary to the intent and philosophy of the By-law which was developed to promote smaller facilities which approximate a family housing arrangement.

(ii) It conflicts with intent and purpose of the By-law in that there are three (3) other facilities within 180 m of the site.

(iii) It conflicts with the intent of the Official Plan in that the proposal does not provide adequate on-site parking and does not provide any associated on-site loading/garbage storage area to service the use;

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal:

The proposal is for a further modification to the established "C" District to permit conversion of the existing building for use as a 50 bed residential care facility.

Zoning Application 90-28

At its meeting of May 23, 1990, the Planning and Development Committee recommended denial of Zoning Application 90-28, as submitted, to permit the conversion of the existing building to eighteen residential units. The Committee also denied the amended application to permit the conversion of the existing building to 14 condominium or apartment units. City Council, at its meeting of May 23, 1990, adopted the recommendations of the Committee.

Zoning Application 90-60

City Council, at its meeting of October 30, 1990, denied Zoning Application 90-60. The application was for a modification in zoning to permit the conversion of the existing building to fourteen dwelling units (apartments of condominiums). The application was denied on the basis that it conflicted with the position of City Council, adopted on May 29, 1990, to deny the conversion of the building to eighteen dwelling units and to deny an amended application to permit fourteen units.

Ontario Municipal Board Hearing

The denial of Zoning Application 90-60 was appealed to the Ontario Municipal Board (OMB). The OMB, by way of an order dated November 10, 1992, approved the conversion of the building for a maximum of 10 units subject to the following conditions:

1) That the City and the developer have entered into a site plan agreement regarding parking; and,

2) That the City and the developer enter into an encroachment agreement.

The applicant has entered into a site plan agreement and encroachment agreement with the City. However, it is noted that the site was never redeveloped for that purpose.

Applicant:

Alfrin Enterprise Corporation, owner.

Lot Size and Area:

The subject lands have:

- a frontage of 30.48 m (100 ft) along Garfield Avenue South;
- a depth of 30.48 m (100 ft); and,
- an area of 940 m^2 (10,000 sq.ft.).

Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant 2 storey building	"C" (Urban Protected Residential, etc.) District, modified
Surrounding Land Use		
to the north, south, east and west	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District

City of Hamilton Official Plan:

The subject lands are designated "Residential". The proposal conflicts with the intent of the Official Plan in that it represents an over intensification of the subject lands. Specifically, the proposal does not provide adequate on site parking nor does the proposal provide suitable amenity areas for the residents.

Neighbourhood Plan:

The subject lands are located in the Stipley Neighbourhood and are designated "Single & Double" Residential in the approved Neighbourhood Plan.

COMMENTS FROM CIRCULATION:

- The Regional Environment Department, Development Division advised:

  "For your information and as per our previous comments related to this property, zoning application ZA-90-60, the sewer system in this area is sub-standard. However, as the previous zoning change was for 14 residential units (35 individuals/unit), and this application is for 48 senior's apartments (50 beds), there will be no notable increase in density, and therefore as previously indicated, we do not anticipate any significant impact on the system.

  The following comments have been received from the Region's Transportation Department, Roads Division.

  (1) According to our records, the alley to the rear of the subject lands is public unassumed. Therefore the City of Hamilton cannot guarantee free and clear access to the rear of the subject lands from the alley.

  (2) According to our records the applicant has entered into an encroachment agreement with the City of Hamilton for the existing steps and retaining wall within the Garfield Avenue South road allowance. This agreement was registered as Instrument No. 149223 on March 24, 1993.

  (3) We recommend that any visual barriers be set back a minimum of 3.0 m from the Garfield Avenue South road allowance limits and the limits of the public unassumed alley to provide some motorist visibility entering the alley and the street from this property and adjacent lands."

- The Department of Public Works, Traffic Division advised that:

  "The information provided by the Building Department indicates that the proposed development falls within the definition of a residential care facility which will require 17 parking spaces for the proposed total of 50 beds.

  The information provided in the application indicates that a common dining area will be provided. We anticipate that the provision of meals for the proposed number of residents will necessitate the provision of loading and garbage facilities. The submitted plan does not include loading or garbage facilities.

Our review of the submitted plan indicates that all the parking spaces shown are substandard in size and that a number of the dimensions shown on the plan are incorrect. We recommend that any further submissions include loading and garbage facilities and that the plan be modified to provide parking spaces that meet by-law requirements.

The proposal, as submitted, will require a significant reduction in the required parking which may result in spillover of parking into the adjacent residential area. In addition, the nature of the proposed development will generate an increase in truck traffic in the area which will be required to access the site from the alley at the rear of the property.

Considering the potential negative impact on the adjacent residential area, we cannot support an application to further modify the zoning to permit the proposed development."

- The Building Department has advised that:

"1. The application indicates lodging home for forty-eight (48) senior residents, but the attached plan indicates twelve (12) beds per each floor, plus two (2) beds in the basement for a total of fifty (50).

2. A lodging house in not permitted in a "C" District and a lodging (house) as defined must not have bathrooms and/or kitchen facilities for the exclusive use of the individual occupants.

3. The proposal would be considered a Residential Care Facility, however, the "C" District permits a maximum of six (6) residents.

4. The special requirements of the present zoning are applicable.

5. A residential care facility for a maximum of fifty (50) persons requires a minimum of seventeen (17) parking spaces."

- The Treasury Department advised the property was registered with a Tax Lien on May 24, 1996 and that as of August 29, 1996, there were outstanding taxes and penalties for the subject lands.

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan.

2. The application cannot be supported for the following reasons:

   - The proposal represents an over intensification of the site in that a residential care facility with a maximum capacity of 6 residents is permitted as-of-right in the "C" District. The proposed capacity is 8.33 times higher than the maximum number

of residents permitted in the "C" District. Such a facility would be considered to be an institutional use and therefore is contrary to the intent and philosophy of the By-law which was developed to promote smaller facilities which approximates a family housing arrangement.

- Based on Building Department records, there are 3 existing residential care facilities within 180 m of the subject lands whereas the provisions of the Zoning By-law requires that residential care facilities have a minimum 180 m radial distance separation to avoid an over-concentration of these uses.

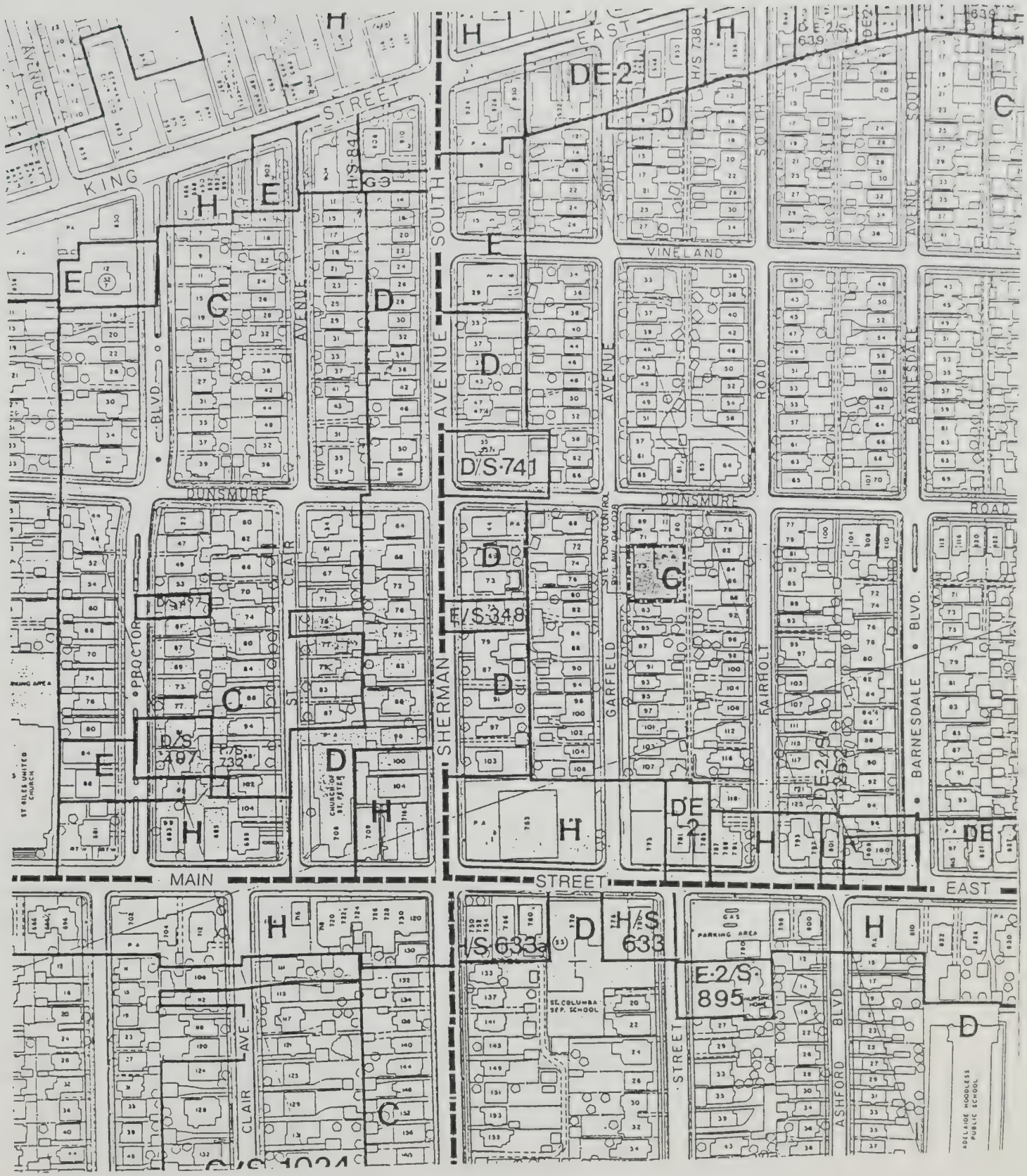
- It conflicts with the intent of the Official Plan in that the proposal does not provide adequate amenity area for the residents and adequate on-site parking in that 17 spaces are required to be provided whereas none of the on-site spaces comply with the minimum size requirements of the Zoning By-law (ie 2.7m x 6.0m and 2.5m x 6.7m for parallel parking spaces) and that the proposal would not provide for a on-site loading area and garbage storage area;

- It conflicts with the approved Neighbourhood Plan which designates the subject lands as "Single and Double" Residential;

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

SR/sr
ZAC96-11.rpt



Legend

Site of the Application

ZAC-96-11

APPENDIX "A"

5b)i)

Nov. 11/96

NOV 13 1996

City of Hamilton,
Planning Dept

NOV 13 1996

Re: File ZAC-96-11 Seq. 00201,
73 Garfield So.

To whom it may concern.

I am very much opposed to the suggested 48 person residential care facility for seniors I think a lesser number of persons might be more suitable considering the few parking spaces available at the rear of the building.

There will be an over abundance of staff and visiting guests, and deliverm trucks, etc for the little amound of availble parking on Garfield ave. at present. Also we have an overflow of cars from Sherman Ave residents seeking site parking, as none is available after hours on Sherman.

Please take this into consideration.

Tax paying resident,

MICHAEL J. WACHTEN

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Traffic Department; D. Lobo, Director of Public Works on 1996 NOV 19.

sent Nov 19/96 BB

6a)

CITY OF HAMILTON

- RECOMMENDATION -

JUN 2 7 1997

DATE: 1997 June 26

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. L. King
Building Commissioner

SUBJECT: Request for Variation from the City of Hamilton Policy with Respect to Lot Grading in the Rear Yard at 154 Chester Avenue (97.2.4.2.1.A)

RECOMMENDATION:

That the Planning and Development Committee approve a deviation from the City of Hamilton Policy with respect to lot grading for the rear yard for the property at 154 Chester Avenue. The required maximum 7% slope in the backyard will be maintained on the required 7.5m rear yard located at the rear of the property rather than being adjacent to the building.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

On 1997 April 28, Mr. Busatto made an application for a building permit to erect a one storey single family dwelling with a depressed attached rear garage located at 154 Chester Avenue, Tag Number 10257.

The proposed single family dwelling conforms to the requirements of the "C" Zoning District of Zoning By-Law 6593.

On 1997 June 25, Mr. Busatto made a request for a variance from the City Hamilton Policy for grading standards to permit the construction of a garage in the basement at the rear of the dwelling.

...2/

The City of Hamilton Policy for grading standards on single family dwellings as outlined in Section 11.(b) of the Fourth Report for 1989 of the Planning and Development Committee, states that a maximum slope in the backyard adjacent to the building for a distance equal to the required back yard shall be 7%.

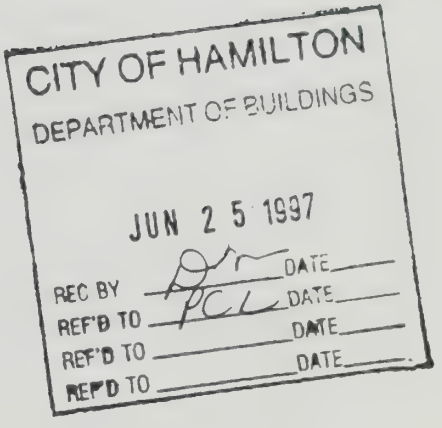
The proposed rear yard of the dwelling is approximately 18.5m (the minimum required rear yard is 7.5m). Mr. Busatto has proposed to provide the minimum 7.5m rear yard with a maximum 7% slope at the rear of the property rather than being adjacent to the building as required by the grading standards. It is our Department's interpretation that the proposed provision satisfies the general intent of the grading standards policy of the City of Hamilton.

DT/zr

Mr. & Mrs. Busatto
109 Mount Pleasant Drive
Hamilton, Ontario
L8W 3H1

1997 June 25 JUN 2 5 1997

copy to Tina Agnello



Planning and Development Commitee
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Attention: Tina Agnello
Secretary of Planning and Development Committee

RE: 154 Chester Ave. Hamilton, Ontario

Please accept this letter as a request for a variation from the City of Hamilton policy with respect to lot grading, specifically the grading in the rear yard.

The purpose of the variation is to permit the construction of a garage in the basement and at the rear of the dwelling.

The policy states that the 7% restriction on the back yard grades be adjacent to the building for a distance equal to the required rear yard.

As the actual depth of the rear yard, after construction of the dwelling, will be in excess of twice the depth of the required rear yard, or 18.5 meters (the depth of the required rear yard is 7.5 meters), we feel that we have ample space to provide a level rear yard and to conform to the intent of the Policy of The City of Hamilton.

Therefore, we request a variation so as to provide the flat portion of the rear yard at the north (rear) of the lot as opposed to adjacent to the building.

Please place this item on the next Planning and Development Commitee meeting scheduled for July 3, 1997.

Yours truly

Mr. R. Busatto

6b)

CITY OF HAMILTON

- RECOMMENDATION -

JUN 2 7 1997

DATE: June 27, 1997

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Mobile Sign By-Law (97.2.4.2.1.A, 97.1.6A)

RECOMMENDATION:

That the City Solicitor be authorized and directed to amend Mobile Sign By-Law 97-026 by deleting the existing requirements of Schedule "B" Permit Fees: and substituting the following:

All permit applications shall be submitted to the Chief Building Official and must be accompanied by a cheque or cash in the amount of:

i) thirty five dollars ($35.00) per two week period for the first 4 weeks;

ii) twenty five dollars ($25.00) per two week period beyond the initial first 4 weeks; and

iii) seventy dollars ($70.00) per two week period for any sign erected prior to issuance of a permit.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Based on the number of permits issued since the passing of the by-lay, it is anticipated that the change in permit fees will decrease annual revenues by approximately $10,000.00. Total annual revenues are estimated at $70,000.00

BACKGROUND:

City Council passed Mobile Sign By-law 97-026 on 1997 February 28 under section 76 of the Municipal Act to regulate mobile signs on private property. Part of the resolution proposed at that time gave a grace period of three months to 1997 May 28 respecting permit fees. This was subsequently extended to 1997 June 13 at a Planning and Development meeting held 1997 May 7.

From the passing of the by-law up to June 26, 1997 the Building Department has issued 240 mobile sign permits. The permits cover the period from the passing of the by-law up to the end of 1997.

During the start up period of the new by-law Planning & Development Committee requested that the Building Department report back on recovery costs for implementation, enforcement of the by-law, and to review the permit fees. The issue of licensing of operators was referred to City Clerks which is in this report.

The Building and Public Works Departments began proactive enforcement on mobile signs in August 1996. A complete inventory was made and enforcement under the streets by-law and zoning by-law commenced.

With respect to the Building Department it has been estimated that the cost of inspection, preparing an inventory, setting up a permit database, enforcement, issuance of orders, and reporting is approximately $225,000.00. Other work normally undertaken by the department has been deferred and delayed in order to carry out the direction of council.

The department initially estimated that annualized permit revenue would be approximately $200,000.00/year. This was based on the number of signs identified in the inventory done in late 1996. Based on the number of permits issued during the first 3½ months of the implementation of the by-law, the annualized revenue has been revised to $80,000.00/year. The decrease is due to a number of factors. Many signs which have been removed have not been replaced, some owners of large commercial plazas have used the new by-law to prevent placement of any signs, and a large number of signs were on the road allowance which prohibits mobile signs.

Enforcement of the mobile sign by-law has progressed smoothly as both staff and sign operators develop a working relationship. The majority of sign operators have been cooperative and have obtained permits in advance to erecting the mobile signs. Most are also ensuring that the signs are placed on private property and not the road allowance. There is one sign operator who continues to place signs without permits and is placing signs on the road allowance. The restructured permit fee is an attempt to penalize those operators who do not obtain a permit prior to placing signs. It is the departments experience under building permit applications that a fee surcharge is a deterrent to those starting construction without a permit. This will also discourage placement of signs without a permit when operators are attempting to extend the time a sign may be in place at a location.

LICENSING OF MOBILE SIGN OPERATORS

Bill 26 , the Provincial Savings and Restructuring Act, gives the Municipality additional power to licence any business within the municipality. This would include the power to licence mobile sign operators.

The Licence Division of the City Clerks Department regulates specific establishment and mobile businesses. Establishment licences include premises, such as restaurants, public halls and lodging houses and mobile licences include taxis, bill posters and tow truck operators. If it is decided to licence mobile sign operators, a By-law, regulating these operators, would have to be drafted. Since we would not be regulating a premise, the mobile sign operators would be classified as a mobile business and only the owner\operator of the business would be required to be licensed. This means that the operator of a mobile sign business, located outside the City of Hamilton, would also require a licence if he\she is providing this service to a customer in the City.

At the time of application, the owner\operator would be required to supply either a police clearance or a confidential police report if he\she has a criminal record. The Hamilton-Wentworth Regional Police charge a $40 fee for this clearance. The initial cost of a mobile licence is $235 of which fifty dollars is non-refundable if the applicant cancels his application. The renewal fee for all mobile licences is $185. It would not be necessary to circulate the application to the various Departments, unless otherwise requested.

There would be a number of advantages to licensing these operators. They include the following:

(1) the power to impose conditions on a particular licence if the operator has a history of problems or By-law violations;

(2) the ability to obtain a prohibition order from the courts to stop an operator from working without the proper licence and a violation of this order would be considered a criminal matter;

(3) a maximum fine of $25,000.00 for an individual fine and $50,000.00 for a corporation for operating without a valid licence;

(4) the ability to hold a Show/Cause Hearing to revoke or suspend a licence if a licensed operator/owner violated any laws or By-law, including the new Mobile Signs By-law; and

(5) the ability to use the power of distress (seizure of possessions) to collect unpaid licence fees.

As directed by the Finance and Administration Committee, the Licence Division is currently reviewing all licence categories and is looking to reduce the number of categories based on public interest and public safety concerns. It may be difficult to develop a rationale to licence these operators, if it appears that the majority of the problems associated with mobile signs can be regulated by the Mobile Sign By-law.

LCK/PCL/dm

7.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1997 July 2
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1997 June 18

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

a) Ferguson Avenue, Phase One - Barton to Cannon Streets-
Planting of Trees

b) Ninth Annual Public Service Announcement Competition - Award of Prizes

c) Ottawa Street Business Improvement (BIA) - Board of Management

C. BUILDING COMMISSIONER

a) 304 Barton Street East - Commercial Property Improvement Loan Program

b) 353 Barton Street East - Commercial Property Improvement Loan Program

c) 216 Grenfell Street - Hamilton Emergency Loan Program

d) Retaining Walls - Hamilton Rehabilitation Assistance Program

e) Hamilton Community Heritage Fund

f) 99 Rymal Road East - Demolition

g) 75 Tragina Avenue South - Demolition

D. DIRECTOR OF PLANNING AND DEVELOPMENT

a) Removal of the "H" (Holding) provision - 852 Upper Wentworth Street.

b) Request for a further extension of the approval of Site Plan Control Application DA-93-05, for a commercial building at nos. 139-147 Locke Street South.

c) Application to Remove Part-Lot Control for Block 19, "Eaglewood Manor" Subdivision.

d) Draft Plan of Condominium (CDM-97-04 "Gage Hill), 1232 Upper Gage Avenue, Randall Neighbourhood.

e) 8/14 Chilton Place - Heritage Permit Application

f) Gore Heritage 2000 Program

E. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

Century Manor, Hamilton Psychiatric Hospital - Designation under the Ontario Heritage Act

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

A.

Wednesday, 1997 June 18
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Mayor R. M. Morrow
Alderman Wm. McCulloch
Alderman F. Eisenberger
Alderman M. Caplan
Alderman B. Charters
Alderman H. Merling
Alderman G. Copps

Also present: Victor Abraham, Director of Planning and Development Department
Joanne Hickey-Evans, Planning and Development Department
Joe Lakatosh, Planning and Development Department
Nina Chapple, Planning and Development Department
Art Zuidema, Law Department
Roland Karl, Public Works and Traffic Department
Eugene Chajka, Regional Environment Department
Hazel Milsome, Public Works and Traffic Department
Peter Lampman, Building Department
Larry Harvey, Building Department
Geoff Aston, Regional Transportation
Tina Agnello, Secretary

PUBLIC MEETINGS 9:30 o'clock

Alderman Drury advised those present that as per the Planning Act that the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at a Public Hearing under the Planning Act.

1. **Zoning Application 97-06, by Fiore and Vally Manganiello, Owners, for a Change in Zoning from "L-mr-2" District to "DE-2" District, Modified, for Property Located at 87-95 Wellington Street North and 216 Wilson Street.**

Joanne Hickey-Evans advised that this is an application for a four-storey, 12-unit apartment building. It was previously before the Committee as a commercial office. One issue is the road widening, the second issue is that a Rental Housing Protection application should be filed. She stated that the Planning Department strongly supports initiatives and the downtown core but that this aplication has over intensified use. It does not meet the landscaping or setback requirements and there is inadequate manoeuvring on site for cars and trucks. Of 832 notices that were sent, 40 replied in favour, 1 opposed and 6 had no comments.

Mr. Vally Manganiello, a Fox Engineer representative and Don Granger were present on behalf of the applicants. Mr. Manganiello advised that in terms of manoeuvring there is more space on this property than other buildings in the area.

Joe Agostino, (no address given) an owner of property in the area, was present and in favour of the proposal.

Don Granger stated that at present, nine units are on the property. The Manganiellos are proposing twelve units. The building will be a new building and will meet all the esthetics of the City requirements. Nine to twelve units is not a great intensification. This proposal will get people to live downtown and home ownership is involved in this condo complex.

Mr. Granger stated that the provision that parking and loading can be modified. He showed the Committee Members a plan of the property and suggested that street landscaping can be addressed in the site plan agreement. He requested that if the City is in support of the initiative he would like City representatives to go to the Region to support a reduction in the road widening.

In response to a question from Alderman Eisenberger, Mr. Granger stated that parking will be located under the building on the first floor. The apartments will be above ground and start on the floor above the parking.

Alderman McCulloch supported the Manganeillo's proposal but in order to address the concerns that it may be tabled in order that the Region can be dealt with on the road widening issue.

Alderman Copps felt that proper standards should be met for the downtown area otherwise there will be problems in the future years.

Alderman Charters felt that the problem presently in the downtown is not over-intensification. He suggested to the Committee to send a message that he want residential uses in the downtown area.

Following a brief discussion the Committee resolved to table the matter in order that the applicant can put in an application under the Rental Housing Protection Act and in order that the applicant can go before the Regional Transportations Services Committee with regard to the road widening issue.

2. **Zoning Application 97-16, by 1104020 Ontario Limited Inc., Owner, for a Modification in Zoning to the "C" District Regulations for Lands Located at 661 Upper Wellington Street.**

The Committee approved the recommendation of the Director of Planning and Development dated 1997 June 9, and recommended to Council as follows:

That approval be given Zoning Application ZAC-97-16, 1104020 Ontario Inc.(D. and G. Ciarmella), owner, requesting a modification to the "C" (Urban Protected Residential, etc.) District to permit the development of one semi-detached two family dwelling unit, for property located at No. 661 Upper Wellington Street, as shown on the attached map marked as Appendix "A", on the following basis:

(a) The "C" (Urban Protected Residential, etc.) District, as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands be further modified to include the following variances as special requirements:

(i) That notwithstanding Subsections 9(1) and (3), one semi-detached two family dwelling with a minimum lot frontage of 17.11 m and minimum lot area of 534 m^2 shall be permitted; and,

(ii) Where a dwelling is constructed with an attached garage, then the finished level of the garage floor shall be a minimum of 0.3 metres above grade; and,

(b) The amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1383, and that the subject lands on zoning District Map E-16 be notated S-1383; and,

(c) That the City Solicitor be directed to prepare a By-law to amend zoning by-law No. 6593 and Zoning District Map E-16 for presentation to City Council; and,

(d) That the proposed changes are in conformity with the Official Plan for the Hamilton Planning Area.

3. **Zoning Application 97-15, by Kimshaw Holdings Limited, Applicant, for a Change in Zoning from "K" District to "L-mr-1" District, for Lands Located on the North Side of Barton Street West, East of Crooks Street.**

A submission was received from C. Frasier of CN Engineering and Environmental Services, dated 1997 June 11.

Michael Vaskin of Kimshaw Holdings Limited was present to support the application.

The Committee approved the recommendation of the Director of Planning and Development dated 1997 June 9, and recommended to Council as follows:

That approval be given to Zoning Application 97-15, Kimshaw Holdings Limited, applicant, for a change in zoning from "K" (Heavy Industry. etc.) District to "L-mr-1" (Planned Development - Multiple Residential) District, to permit future development for multiple-family residential development, for lands located on the north side of Barton Street West, east of Crooks Street, as shown on the attached map marked as Appendix "B", on the following basis:

(i) That the subject lands be rezoned from "K" (Heavy Industry, etc.) District to "L-mr-1" (Planned Development - Multiple Residential) District; and,

(ii) That the Director of Planning and Development be directed to prepare a by-law, in a form satisfactory to the City Solicitor, to amend Zoning By-law No. 6593 and Zoning District Map W-11 for presentation to City Council; and,

(iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

PUBLIC MEETINGS 9:45 o'clock am.

4. **Downtown Hamilton Community Improvement Plan**

A submission was received from the Hamilton Region Conservation Authority.

Hazel Milsome gave a brief history of the Plan. She stated that this Plan is the same as that presented in 1996 October with the addition of the Gore Heritage 2000 Plan.

The Committee approved the recommendation of the Director of Planning and Development dated 1997 June 9, and recommended to Council as follows:

(a) That the Downtown Hamilton Community Improvement Plan (distributed to members of Council under separate cover as Appendix "C") be adopted, in order to implement initiatives such as the Gore Heritage 2000 Program, the Hamilton Downtown Convert/Renovate-to-Rent Loan Program, as well as the refund of fees as contained in the Plan; and,

(b) That the Downtown Hamilton Community Improvement Plan be re-submitted to the Ministry of Municipal Affairs and Housing for the appropriate approval; and,

(c) That the City Solicitor be authorized to prepare the requisite By-law for (b) above; and,

(d) That the City Solicitor be authorized to prepare the appropriate By-law to repeal By-law #96-189 which was the By-law adopting the previously approved Downtown Hamilton Community Improvement plan.

5. The Rules of Order was suspended in order to deal with two previously tabled items.

(a) WISEMOUNT ESTATES

Revised plan of subdivision for Westmount Estates for lands located west of Upper Kenilworth Avenue north of Limeridge Road East and Zoning Application ZAC-97-07 for the same property.

Alderman Charters suggested a proposal for the solution of the irregular parcel of land at this location. He commended Victor Abraham for all his help in coming to a solution on this plan of subdivision and zoning.

Following a brief discussion, the Committee recommended to Council as follows:

(a) That the Seventh Report of the Planning and Development Committee, as adopted by City Council on April 29, 1997, be amended to delete Subsections 1.A., 1.B., 2.A. and 2.B. in their entirety; and,

(b) That the red-line revised plan of subdivision "Wisemount Estates" (File No. 25T-83004(R)), for lands located west of Upper Kenilworth Avenue and north of Limeridge Road East, comprising of 67 lots for street townhouses, 1 lot for a single family dwelling, 5 blocks to be merged with the adjacent single family dwelling lots, and 2 blocks for road widening purposes, be approved subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by Urbex Engineering Limited and J.D. Barnes Limited, dated June 17, 1997, showing 67 lots for street townhouses, 1 lot for a single family dwelling, 5 blocks to be merged with the adjacent single family dwelling lots

and 2 blocks for road widening purposes, on the attached map marked as Appendix "D"; and,

(ii) That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,

(iii) That the Owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,

(iv) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,

(v) That the final plan conform with the Zoning By-law approved under the Planning Act; and,

(vi) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan; and,

(vii) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

(1) All erosion and sediment control measures will be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

(2) That the Owner provide a summary inspection report every 14 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial measures taken, to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department;

(3) Areas not scheduled for development within 45 days or over the winter months should be left with existing vegetation in place. If the area has been previously graded, all disturbed areas should be revegetated using seed and mulch;

(4) All disturbed areas will be revegetated with permanent cover immediately following completion of construction.

(viii) That the owner dedicate Block 74, being a 3.048 m road widening for Limeridge Road, to the City of Hamilton; and,

(ix) That the owner dedicate Block 75, being a 5.18 m road widening for Upper Kenilworth Avenue, to the City of Hamilton; and,

(x) That the Owner establish Street "A" to its full 18.0 m width and that these lands be conveyed to the City of Hamilton at the time of registration of the final plan of subdivision. All works must be completed to the satisfaction of the Senior Director, Roads Department; and,

(xi) That the Owner provide the Region with documentation to the satisfaction of the Regional Environment Department and Utility Corporations (Hamilton Hydro, Union Gas, Bell Canada and Cable TV) that the standard roadway cross-section, utilities and municipal sidewalks etc., for a 20.0m road allowance, can be installed on both sides of Street "A", proposed at 18.0m width; and,

(xii) That the Owner construct sidewalks on both sides of Street "A" and that a combined walk and curb is to be constructed to the satisfaction of the Regional Environment Department; and,

(xiii) That 1 m by 1 m daylight triangles be included on the Final Plan of Subdivision at the intersection of Street "A" and Limeridge Road, as widened and Street A and Upper Kenilworth Avenue, as widened; and,

(xiv) That a minimum 4 m by 4 m daylight triangle be included on the Final Plan of Subdivision at the 90 angle in Street "A" adjacent to Lot 57; and,

(xv) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,

(xvi) That Street "A" be dedicated to the City of Hamilton as a public highway on the Final Plan of Subdivision; and,

(xvii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes; and,

(xviii) That the Owner merge in title Blocks 68, 69, 70, 71 and 72 with Lots 4, 5, 6, 7 and 8, Registered Plan 62M-794 (respectively), to the satisfaction of the Director, Planning and Development Department and the City Solicitor; and,

(xix) That as a condition of development of Lots 39 to 43, inclusive, the Owner provide for full resurfacing of Racalmulto Drive to the satisfaction of the Commissioner of the Regional Environment Department; and,

(xx) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands; and,

(xxi) That the Owner be required to enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands to satisfy all requirements, financial or otherwise of the City of Hamilton; and,

(c) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-83003(R)), 822827 Ontario Inc., owner, proposed revised draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council;

(d) That the Regional Commissioner of Environment be advised that the City of Hamilton requests that the Draft Approved plan of Subdivision "Wisemount Estates - Phase 8" (Regional File No. 25T-83004) be further revised to delete the 6.0 m wide block for a public walkway and that a 9.0m wide easement, in favour of the Region of Hamilton-Wentworth be identified on Lots 7 and 8.

(e) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

(f) That approval be given to amended Zoning Application ZAC-97-07, 822827 Ontario Inc., owner, for changes in zoning from "DE-2" (Multiple Dwellings) District to "RT-30" (Street - Townhouse) District (Block "1"); from "E-2" (Multiple Dwellings) District to "RT-30" (Street - Townhouse) District (Block "2"); from "E-2" (Multiple Dwellings) District to "R-4" (Small Lot Single Family) District (Block "3"); and from "R-4" (Small Lot Single Family) District to "A" (Conservation, Open Space, Parkland and Recreation) District (Block 4) for lands located west of Upper Kenilworth Avenue and north of Limeridge Road East, as shown on the attached map marked as Appendix "E", on the following basis:

(i) That Block "1" be rezoned from "DE-2" (Multiple Dwellings) District, modified, to "RT-30" (Street - Townhouse) District; and,

(ii) That Block "2" be rezoned from "E-2" (Multiple Dwellings) District, modified, to "RT-30" (Street - Townhouse) District; and,

(iii) That Block "3" be rezoned from "E-2" (Multiple Dwellings) District, modified, to "RT-30" (Street - Townhouse) District; and,

(iv) That Block "4" be rezoned from "E-2" (Multiple Dwellings) District, modified, to "R-4" (Small Lot Single Family) District; and,

(v) That Block "5" be rezoned from "E-2" (Multiple Dwellings) District, modified, to "R-4" (Small Lot Single Family) District; and,

(vi) That the "RT-30" (Street Townhouse - Maisonette) District regulations, as contained in Section 10F of Zoning By-law No. 6593, applicable to Blocks "1", "2" and "3", be modified to include the following variance as a special requirement;

(a) That in addition to the requirements of Section 10F.(4)(a) of Zoning By-law No. 6593, a minimum front yard having a depth of not less than 7.0 m shall be provided and maintained for a two storey Street Townhouse Dwelling; and,

(vii) That the "RT-30" (Street Townhouse - Maisonette) District regulations, as contained in Section 10F of Zoning By-law No. 6593, applicable to Block "3", be modified to include the following variance as a special requirement;

(a) That notwithstanding the requirements of Section 10F.(4)(c)(ii) of Zoning By-law No. 6593, a minimum westerly side yard having a width of not less than 1.2 m shall be provided and maintained;

(viii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1378, and that the Blocks "1", "2" and "3" on Zoning District Map E-59A be notated S-1378; and,

(ix) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59A for presentation to City Council; and,

(x) That, upon finalization of the implementing Zoning By-law, the Lisgar Neighbourhood Plan be amended as follows:

(1) that the public highway shown as Street "A" on Appendix "D" be added to the Neighbourhood Plan; and,

(2) that Blocks "1", "2" and "3", as shown on Appendix "A" be redesignated from "Medium Density Apartments" to "Attached Housing"; and,

(xi) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

(b) ZAC 97-05, 200 Rymal Road Inc.

Alderman Merling brought before the Committee a proposal for a workable solution between DiCenzo and DiSilvestro with regard to this property. The Committee concurred.

Following brief discussion, the Committee recommended to Council as follows:

(a) That Zoning Application ZAC-97-05, 200 Rymal Road Inc. (A. DiSilvestro, President), owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family) District (Block "1") and for a further modification to the established "B-2" (Suburban Residential) District (Block "2") regulations to allow for small lot single family dwellings (average lot width 10 m) and to reduce the minimum required lot size from an average of 510 m^2 to a minimum of 480 m^2 shown as Blocks "1" and "2" on the attached map marked as Appendix "F" , be denied for the following reasons:

(i) the proposed "R-4" (Small Lot Single Family) District does not provide for a proper gradation of lot sizes in accordance with the approved Allison Neighbourhood Plan; and,

(ii) the proposed "R-4" (Small Lot Single Family) District adjacent to the existing "B-2" District (Block "1") does not provide for a proper transition of lot sizes; and,

(iii) the proposed "R-4" (Small Lot Single Family) District would result in an overconcentration of small lot single family dwellings whereas the existing approved development pattern provides for a balance of lot widths (i.e. 15 m, 12 m and 10 m wide lots) as provided for in the neighbourhood plan; and,

(b) That approval be given to amended Zoning Application ZAC-97-05, 200 Rymal Road Inc. (A. DiSilvestro, President), owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family) District (Block "1") and for a further modification to the established "B-2" (Suburban Residential) District (Block "2") regulations to allow for small lot single family dwellings (average lot width 10 m) and to reduce the minimum required lot size from an average of 510 m^2 to a minimum of 480 m^2 shown as Blocks "1" and "2" on the attached map marked as Appendix "G", on the following basis:

(i) That Block "1" be rezoned from "C" (Urban Protected Residential, etc) District to "R-4" (Small Lot Single Family) District; and,

(ii) That Section 2.(a) of Zoning By-law No. 93-042, is deleted in its entirety and replaced with the following:

"notwithstanding the provisions of Section 8B(4) of By-law No.6593, every lot or tract of land shall have a width of at least 15.0 metres and an area of at least 480 square metres within the district."

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1303a, and that the subject lands on Zoning District Map W-9B be notated S-1303a;

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9E for presentation to City Council;

(v) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

The Chairperson again advised those present that as per the Planning Act, that the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral or written statement at a public hearing under the Planning Act.

6. **Zoning Application 97-09, by Wesley Urban Ministries, Owner for a Further Modification to the Established "E" District for Lands Located at No. 195 Ferguson Avenue North.**

The following submissions were received respecting the above-noted matter:

(a) a petition in favour with 56 signitors
(b) 186 letters in opposition
(c) 115 letters in favour
(d) a petition in opposition with 343 signitors
(e) one letter signed by 12 people in opposition

Joanne Hickey-Evans advised that the application is to permit a drop-in centre. She gave a brief history of the property. In October of 1996, the Building Department issued an Order to Comply for a Short Term Care Facility. As a result, Wesley Centre made an application for a Short Term Care Facility, but as such applied for a new use called "Drop-In Centre" which will provide emergency overnight shelter, lunch and snacks, Sunday dinners and Chapel services. Planning supports this facility as it is unique in the downtown core with respect to emergency night shelter. They provide a range of community services from 9:00 p.m. until noon of the next day. The offices and Chapel are separate from the other uses. It is close to transportation and in the downtown area where many of the clients come from. The definition of the drop-in centre includes chapel service, counselling, professional care, temporary care, being operated by a non-profit agency. The Planning Department supports the drop-in centre being located on the first and second floors as long as it is in conjunction with adequate parking.

John Ariens of the Wesley Centre stated that the Centre provides important services to the community. The building was specifically developed for the use of a drop-in centre. It opened in April, 1996 at which time there was no definition of drop-in centre. They worked with City staff to apply for a re-zoning which is site-specific on the property. He stated that there are many merits to the proposal - it provides important social services to the neighbourhood and the City; closer to the downtown, arterial roads and park; completely compatible with surrounding uses; there is no additional demand on the municipal sector for services; there are no parking or traffic issues; it is consistant with Council's initiatives to enhance the downtown core and it is good planning and he encouraged the Committee to support the staff recommendation.

Richard Allen, Chairman of the Wesley Board, was also present. He stated that he was pleased with the staff report and supports the comments of the various Regional agencies. He stated that Wesley has been servicing the homeless for the last 42 years. The drop-in centre is being run at the instigation of the Regional Social Services Department for the last six years. They maintain a safer and more peaceable community than may otherwise be the case, as a result of the drop-in centre. He understands that there is a certain element of discomfort and occasional incidents are almost impossible to prevent, but they are diligent in trying to co-operate with the surrounding residents in coming to terms with certain problems that exist. There have been discussions with their neighbours, Meridian Co-operative Homes. He stated that there is a campaign of exaggeration and alarm by some residents and a few people from the Meridian Homes. He gave one example, being that fire trucks were called twice in one day due to malfunctioning alarm systems. The residents attributed this to the Wesley drop-in clients. He quoted from statistics showing that there has been a decline in crime in the area with regard to liquor, drugs, sexual offences, theft and other crimes. He stated that these statistics show that year over year crime is now down. He says that they are trying to do things to alleviate the neighbours' concerns. They have provided extended hours to get people off the street and into the building earlier, they have people monitor the outside of the building, they have made several modifications to the exterior of the building and have a proposal in change of design for the entrance and waiting areas.

John Ariens of Planning Initiatives, showed a plan of existing conditions between Meridian and Wesley. He stated that presently people are waiting in the Meridian entranceway. They will be removing branches and altering the planting, reducing the open-space area and providing a canopy to encourage waiting in front of the Wesley Centre rather than the neighbour's property.

Mr. Allen concluded by stating that Wesley's interest is in a safe and peaceable community. There is strong support from the Church and community and also a core of volunteers. He stated that the facility is appropriate in its present location from a planning and social perspective.

Linda Williams, of 185 Ferguson Avenue North was present in opposition to the proposal. She explained that the Co-operative she lives in is unique. It is inhabited by physically challenged people, the working poor and abused persons. It is self-running and democratic - the Board has allowed each member to speak as an individual on the Wesley issues. She stated that she has 97% support opposed to the zoning change at Wesley from the Co-operative residents and that these people have signed a petition. She was disappointed that in March, 1996 she first heard that the Wesley Drop-In Centre was to be located at that site. She stated that they are running a full social service programme and that there are problems with vagrants, urination, defecation and other nuisances. Last summer there were two fires lit that were

attributed to the clients of Wesley. Drugs and alcohol are used in the open and she has witnessed these herself. She said that it is impossible to sleep at night due to fights and noise. She stated that one senior, by the name of Cecil, was thrown out of his wheelchair by a mob who wanted to steal his money. She stated that although the hours of operation have changed, the problems still exist. The onus has been left on the neighbours to monitor the problems and she is concerned with this. There has been an increase in reports to the Beasley Policing Centre. She has kept a log, and in May there were 30 documented incidents. She quoted six incidents in one day. She stated that she has been involved in street clean up projects and they have found many needles, broken bottles, cigarettes, cans and other refuse as a result of vagrants loitering in and around the Wesley Centre. She stated that the programme that they are running has greatly impacted on the life of the surrounding residents. Many are frightened to leave their homes, many require sleeping pills in the evenings. She stated that the only other programmes that are run in this manner are in Edmonton or Calgary where, in both cases, they are not located in residential neighbourhoods. She stated that as a Christian she does not believe people should be allowed to continue a destructive lifestyle. She suggested that either the Centre be used as a soup kitchen or that if it wants to operate as it presently is it should move to a non-residential area.

Beata Bokrossy, a staff person at Meridian Co-operative, was present to speak. She stated that the Board does not wish to inhibit or influence the opinions of the residents. The letter sent to the Ministery of Municipal Affairs and Housing speaks only of a mediator and not to the rezoning issue.

Ed King, 20 Jarvis Street, was present in support of the application. He stated that the Wesley Centre does not contribute to the problems, but that the problems already exist. The real solution, he stated, is to assist the Wesley Centre.

Judy Gordon, 103 Erie Avenue, was present in support of the application. She says that she occasionally eats there since her assistance has been cut back. These people provide a service and are given no credit. She suggested that the Bible's saying of "love thy neighbour" be taken and it should apply to poor neighbours as well as rich. She asked the Committee to help those people who need it.

Jean Davenport, 140 Cannon Street East, was present in opposition to the application. She stated that her children cannot take a walk through the Beasley Park. There is urination and defecation. Wesley's clients wait in the park until the Wesley Centre opens up. The park is constantly cleaned up by herself and other citizens and it is still not a safe environment.

Joseph Richard, 27 St. Matthews Street, was present in support of the application. He stated that everyone is blaming the Wesley Centre but that these problems already exist in the neighbourhood. He stated that Wesley Centre tries to get people off the street and that needles and fights are found everywhere in the City. Everyone should co-operate with the Wesley Centre.

Tracy McLaughlin, 185 Ferguson Avenue North, was present in opposition to the application. She stated that she fears walking down the street - she sees people fighting constantly and there are needles and condoms on the side of the road. She said this is bad for the adults, and especially so for the children.

Elizabeth (no last name given), 185 Ferguson Avenue North, was present in opposition to the application. She stated that she moved into the residence on February 1 and is frequently awakened in the evenings by fights.

James Quinlin, 185 Ferguson Avenue North, was present in opposition to the application. He stated that on a recent night, he was approached for money and they shook his wheelchair. He feels bad for the people but does not want to be bothered. He is always being asked for money and is approached by intoxicated people.

Brian Tisdale, who owns four properties in the area including 147 Elgin (behind the Wesley Centre) was present in opposition to the application. He is a member of a group for Corrections Canada. He stated that the neighbourhood residents cannot take much more. He is against Wesley being located at that site and he does not feel that Wesley is capable of running this type of centre with the services that it intends to run.

Ricky (no last name given), a recovering alcoholic and drug addict, was present in support of the Wesley Centre. He considers them his family. They have provided him with food and a bed. They saved his life at one time when he almost overdosed and have helped him through many deaths in his family. He stated that the people at the Centre have referred him to various agencies which have helped him and they have also provided him with spiritual help.

Joanne Santucci, Co-Chairperson of the Regional Food Services Committee, was present in support of the application. They provide food to the Wesley Centre and other similar groups. She stated that it is a place to gather and belong - everyone should have a vested interest in the community.

Nicole Palma, resident of the Wesley Centre, was present in support of the application. She stated that people like her will have no place to go if the Wesley Centre does not provide the services.

Mr. Buckingham, 116 Wellington Street North, a recovering alcoholic and drug addict was present in support of the application. He stated that he would not be here today if it wasn't for the Wesley Centre who has supported him. He stated that every place has its problems, but creating more problems by not approving the Centre will be even worse than the present situation.

Gabriella Duff, who lives in Stoney Creek, was present in support of the application. She stated that the Wesley Centre is there for people who need it. It is for people who are incapable of coping on their own. She stated that she began going to the Centre last summer and has been going there ever since. She suggested that broken bottles and condoms are everywhere in parks - even in Stoney Creek. The people who use the Wesley Centre need help, they do not need to be put down. She asked the Committee members to put themselves in the other people's shoes.

Linda Nash, 302 Charlton Avenue West, was present in support of the application. She stated that she is a minister at Centenary United Church. She stated that her Church and other Churches support the Wesley Centre. There are resources and ways to make things better. She said closing the Centre is not the solution.

George Duguay, 981 Main Street West, was present in opposition to the application. He stated that he was a street preacher in Hamilton for a number of years and the leader of the disabled in Hamilton for a number of years as well. He was an attendant at the Wesley Centre once every week when it was located on Rebecca Street and he stated that there was not as many problems as there are now. He stated that he has no problem with the operation of the Wesley Centre, but is concerned that the location of the Centre in a residential area is not appropriate. He suggested to the manager of the Co-operative that the drop-in centre would be a poor idea in a residential area because it creates a lot of activity. He stated that Hamilton-Wentworth is one of the best

communities to look after its residents and the disabled but that the Wesley Centre should never have been placed in a residential neighbourhood.

Richard Gillespie, president of the Beasley Association and a resident of John Street, was present. He stated that he is a recovering alcoholic of 20 years. He stated that the growth rate has started to take off in the neighbourhood and in the downtown core. They are attacking poverty through monitoring of health, occupation and education. He represents 5,000 people in the Beasley Neighbourhood. Beasley has the highest calls for service in the Region. He is a volunteer at the Policing Centre and stated that 25-30% of police calls do not go directly to the police. Beasley Park is frequently vandalized. People are afraid to file reports. Youths sometimes use Wesley and then terrorize people. Forty-five businesses in the area are in dire straights. He stated that a total of 392 citizens have signed a petition in opposition. He asked the Committee to have compassion for the surrounding residents and what they deal with on a day-to-day basis. The Good Shepherd Hostel and other services of this nature don't have the types of problems that Wesley does because they run their Centres with strict rules and regulations. Wesley deals with a lot of people falling on hard times but also there is a bad element - a criminal element, which is difficult to control. He suggested that he is trying to raise the quality of life in the Beasley Neighbourhood, not destroy it. The Beasley Neighbourhood Committee Association has tried to work with the Wesley Centre but they have not been caring of the community. He stated that he is speaking on behalf of most of the working poor who cannot afford to loose a day's wages to attend the meeting. He suggested the Centre be moved to the suburbs or the industrial areas and predicted that if left as is, the situation will get worse because the neighbourhood is being staturated with social services. He implored the Committee members to deal with the problems and support the community.

Ryan Kaychuk of the Wesley Centre was present in support of the application. He stated that everyone who frequents the Centre is not bad. Many people are referred to the appropriate agencies for help. He stated that he is trying to get on with his life and has paid his dues to society. He suggested that people come down to the Wesley Centre and see that there are stiff rules and regulations. In conclusion, he stated that Wesley is capable of running the type of programme it is presently running.

Wendall Fields, 103 Erie Avenue, was present in support of the application. He stated that there are many social problems in the downtown core and that Wesley provides a service to those who need it. He stated that the opponents to the Wesley Centre are trying to criminalize a social problem that will not go away. He stated that the Wesley Centre's progress should be encouraged and that the people who need help should not be hindered.

Linda Langston of the Wesley Centre urged the Committee to separate the downtown problems and issues from the planning issues. She stated that they wish to resolve the problems and work with the neighbours. They would like Wesley to contribute as a solution to the problems not as a contributor to the problems.

Alderman McCulloch stated that everyone agrees that Wesley is needed but not necessarily at that location. He stated that there was not as much opposition to the Rebecca Street location and suggested that a more suitable location be found than Ferguson Avenue. He suggested that all parties work together to solve the problems.

Alderman Eisenberger stated that the community won't be made any better by taking Wesley out of the neighbourhood. He suggested a amendment in the motion to ask the Regional Community and Social Services Committee to establish an Advisory Liaison Committee to help with the problems.

Alderman Copps suggested that the same consideration which is given to the residents of Wesley be given to the neighbourhood residents of the Beasley area. She stated that the drop-in centre is not working - the impact is reaching an overflow. She suggested that it is not good planning to have the Wesley Centre there and that the co-operationg between the neighbourhood residents and Wesley is not working.

Mayor Morrow stated that the issue of over-concentration in any neighbourhood is a serious one. He stated that he is impressed by the approach of Mr. Gillespie but that it is important to have more people in the downtown core, not less. He stated that it came as a surprise to him that the zoning was not in place when Wesley located on Ferguson Avenue. This is why the proposal is before the Committee at this time. He stated that, in general, there is not a large bad element in the clients of the Wesley Centre, but that the few people who are causing problems, are causing great problems. He commended the community and school in the neighbourhood who have beared well in the face of many difficulties. He supports the amendment put on the floor by Alderman Eisenberger to form a Committee through Community Services and also agrees with the staff recommendation but urged all those involved to resolve the problems.

The following people were also present and registered their support of the application:

David Dawson, 160 Hughson Street, member of the Executive of the Hamilton Presbytery of the United Church of Canada

Ruth Lee, 4 Dundana Avenue, Dundas

Ian Thompson, 101 Hillcrest Avenue, Dundas

Averil Thompson, 101 Hillcrest Avenue, Dundas.

The Committee resolved that the following amendment be approved:

That the Regional Health and Social Services Department assist Wesley Urban Ministries in setting up a Community Advisory Committee to work with area residents to deal with any operational impacts of the "drop-in" centre in the Beasley neighbourhood.

Following discussion, the Committee approved the recommendation of the Director of Planning and Development dated 1997 June 13 as amended and recommended to Council as follows:

That approval be given to Zoning Application ZAC-97-09, Wesley Urban Ministries, owner, requesting a further modification in zoning to the established "E (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, to permit a "drop-in centre" within the existing building, for the property located at No. 195 Ferguson Avenue North, as shown on the attached map marked as Appendix "H", on the following basis:

(a) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, as amended by By-law Nos. 92-197 and 93-117, applicable to the subject lands, be further modified to include the following variances as special requirements:

(i) notwithstanding Section 11(1) of Zoning By-law No. 6593, the following use shall be permitted on the first and second floor of the existing building located at No. 195 Ferguson Avenue North:

(1) drop-in centre.

(ii) for the purposes of the By-law, a Drop-in Centre shall mean any building or portion thereof used for the purposes of providing counselling, professional and personal care services, guidance, religious services, recreational activities, cafeteria, temporary refuge and other similar community based activities, by a person or persons on a temporary basis and is operated by a non-profit organization but is not considered as a residential care facility, short term care facility, hostel or community centre; and,

(iii) Notwithstanding Section 18A of Zoning By-law No. 6593, the drop-in centre shall not be subject to the parking and loading requirements; and,

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1279b, and that the subject lands on Zoning District Map E-3 be notated S-1279b; and,

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-3 for presentation to City Council; and,

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(e) That the Regional Health and Social Services Department assist Wesley Urban Ministries in setting up a Community Advisory Committee to work with area residents to help deal with any operational impacts of the "Drop-In" centre in the Beasley Neighbourhood.

In addition, following discussion, the Committee resolved that the appropriate Departments investigate alternate sites for the location of the Wesley Centre.

7. REFERRAL FROM COUNCIL

Mr. J. Wannop Re: 139-147 Locke Street South - Site Plan

The Committee resolved that the above-noted matter be referred to the Planning Department for review and Consideration.

67. DIRECTOR OF PLANNING AND DEVELOPMENT

ZA-96-11, 73 Garfield Avenue South (Previously Tabled)

A submission was received by Michael J. Wychopen regarding the above-noted matter.

Mr. Al Frisina and Mr. Sal Frisina were present in support of the application. They stated that they are trying to keep the area residential, they are trying to keep seniors in the area. The building exists and the use which is proposed is more compatible than those which previously existed. They do not feel that there is a great problem with parking.

Sal Frisina stated that this proposal has more parking than the majority of facilities in the area. The building must be economically feasible for development. He insisted that there would not increased traffic as a result of this development in the neighbourhood.

Joanne Hickey-Evans advised that the original recommendation of the Planning Department staff stands.

Al Frisina stated that they are willing to work out some of the minor issues such as garbage. He felt that a large garbage truck would not be needed to service 48 seniors. In response to a question from Alderman Caplan, Al Frisina stated that he has twice met with the Aldermen but have not met with the residents. They have been pushing to meet with the residents.

Following brief discussion, the Committee resolved that the matter be tabled to the meeting of 1997 July 2.

9. ALDERMAN FRANK D'AMICO

Appleblossom Drive Extension

Alderman D'Amico requested, and Committee concurred, that staff be directed to review the matter and report back to Committee.

10. CONSENT AGENDA

A. ADOPTION OF MINUTES

The minutes of the meeting held 1997 May 21 were adopted as circulated.

THE FOLLOWING RECOMMENDATIONS WERE FORWARDED TO COUNCIL FOR APPROVAL:

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

(a) International Village Business Improvement Area - Installation of Mural - Commercial Improvement Program - dated, 1997 June 12:

That the City of Hamilton support the International Village B.I.A.'s decision to hire E. Kowalksi to prepare, create and install a mural at 245 King Street East, depicting the 1953 train derailment at Ferguson Avenue and King Street East, and that a purchase order be issued in the amount of $7,090 utilizing the previously approved monies from the Commercial Improvement Program.

(b) **Barton Village Business Improvement Area (B.I.A.) - Amendment to Appropriate By-laws - dated 1997 June 6:**

That By-law #96-019 respecting the designation of the Barton General B.I.A., By-law #97-54 respecting the Members of the Board of Management of the Barton General Business Improvement Area, and By-law #97-090 authorizing a special charge in respect of the Barton General B.I.A., be amended to read "The Barton Village Business Improvement Area", in accordance with the B.I.A.'s decision to change its name as part of its marketing strategy.

(c) **Departmental Support for Business Improvement Areas (B.I.A.) - dated 1997 June 11:**

(i) That the City Clerk be authorized to prepare a model constitution for presentation to all BIA's for their consideration; and,

(ii) That the City Clerk or designate attend each BIA's Annual General Meeting and conduct the elections for their respective Boards of Management if requested; and,

(iii) That the City Clerk or designate attend the first meeting of each newly elected Board of Directors following each Annual General Meeting and conduct a Parliamentary Procedure Seminar for the Board members if requested; and,

(iv) That the City Clerk be authorized to provide advice to Community Renewal Officers on procedural issues as and when requested.

C. BUILDING COMMISSIONER

(a) **Hamilton Emergency Loan Program (H.E.L.P.) - dated 1997 June 3:**

That the Hamilton Emergency Loan Program (H.E.L.P) be amended to reduce the established interest rate from eight percent (8%) per annum to two percent (2%) per annum for new applications with the maximum permissable loan remaining at $2,000.

(b) **Demolition of 626 Barton Street East - dated 1997 June 5:**

That the Building Commissioner be authorized to issue a demolition permit for 626 Barton Street East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(c) **Demolition of 290 Lake Avenue North - dated 1997 June 3:**

That the Building Commissioner be authorized to issue a demolition permit for 290 Lake Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(d) **Commercial Property Improvement Loan Program (CPILP) - dated 1997 June 5:**

(i) That a loan increase of one thousand, eight hundred and sixty-four dollars ($1,864) to Peter and Gilberta Oliveira for improvements to 355 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The total loan is now $17,288. The interest rate is set at 2.38 per cent, amortized over ten years; and,

(ii) That an increase in grant from the Barton Street Revitalization Fund in the amount of nine hundred and thirty-two dollars ($932) be approved to pay-down the increase of the Commercial Loan as per the terms of the Barton Street Revitalization Program.

D. DIRECTOR OF PLANNING AND DEVELOPMENT

(a) **Proposed Draft Plan of Condominium "Bungalows at Chedoke" - dated 1997 June 5:**

(i) That approval be given to application CDM-97-01 (Regional File 25CDM-97002), The Bungalows at Chedoke Limited Partnership, owner, to establish a draft plan of condominium "Bungalows at Chedoke", located south of Chedmac Drive and west of Rice Avenue and known municipally as 60 Rice Avenue, as shown on the attached map marked as Appendix "I", subject to the following conditions:

(1) That this approval apply to the plan prepared by J.D. Barnes Ltd. and certified by S.J. Balaban, O.L.S., dated January 27, 1997, showing a total of 41 residential townhouse units; and,

(2) That the Final Plan of Condominium be in conformity with the Site Plan approved on April 27, 1995 under application DA-94-33; and,

(3) That the applicant satisfy all conditions of Site Plan application DA-94-33 to the satisfaction of the City of Hamilton, prior to final approval of the Plan of Condominium; and,

(4) That the following warning clause be registered on title for Units 15 - 28 inclusive, to the satisfaction of the Director of Planning and Development and the City Solicitor:

"Purchasers and/or tenants are advised there is a Laundry facility located to the west of this property which services a number of hospitals."; and,

(5) That the following warning clause be registered on title for Units 1, 2, 3, 4, 5, 6 and 41, to the satisfaction of the Director of Planning and Development and City Solicitor:

"This unit has been fitted with forced air heating with rough-in provisions made to accommodate central air conditioning at a later date (Note: air cooled condensing unit shall be located in a noise insensitive area)."; and,

(6) That the owner(s) enter into a Joint Sewer Service Agreement for the shared services (storm and sanitary sewers) with the Region, to the satisfaction of the Commissioner of the Regional Environment Department for Phase 1 of the Plan of Condominium or that the owner provide proof that private easements have been Registered on Title in favour of the remaining lands in order to provide for sewer servicing and vehicular as well as pedestrian access for the future second phase of development; and,

(7) That the owner provide proof, to the satisfaction of the Director of Planning and Development and the City Solicitor, that private easements have been Registered on Title in favour of the remaining lands in order to provide for vehicular as well as pedestrian access for the future second phase of development; and,

(8) That the Condominium Corporation be required to enter into and register on title the Agreement of the Condominium Corporation to assume and be bound by the Site Plan Agreement; and,

(9) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton; and,

(ii) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

(b) Proposed Draft Plan of Condominium "Tiffany Creek" - dated 1997 June 5:

(i) That approval be given to application CDM-97-03 (Regional File 25CDM-97004), Dicon Development Inc., owner, to establish a draft plan of condominium "Tiffany Creek", located west of Upper Paradise Road and known municipally as 1000 Upper Paradise Road, as shown on the attached map marked as Appendix "J", subject to the following conditions:

(1) That this approval apply to the plan prepared by J.D. Barnes Ltd. and certified by S.J. Balaban, O.L.S., dated April 3, 1997, showing a total of 32 residential townhouse units; and,

(2) That the Final Plan of Condominium be in conformity with the Site Plan approved on February 17, 1997 under application DA-96-28; and,

(3) That the applicant satisfy all conditions of site plan approval to the satisfaction of the City of Hamilton, prior to final approval of the Plan of Condominium; and,

(4) That the following warning clause be registered on title, to the satisfaction of the Director of Planning and Development and the City Solicitor:

"Purchasers and/or tenants are advised that individual garbage removal by the City of Hamilton will not be available for this site." and,

(5) That the following warning clause be registered on title for Units 2 - 6, inclusive and Units 16 - 18, inclusive, to the satisfaction of the Director of Planning and Development and City Solicitor:

"Purchasers are advised that access to the rear amenity area is provided through the living area of the unit."; and,

(6) That final approval of the Plan of Condominium not be given until such time as:

(a) By-law No. 96-173 has been finalized;
(b) Development Agreement DA-96-28 has been finalized; and;
(c) That all conditions of Land Severance B-96-13 have been met and registered on title; and,

(7) That the Condominium Corporation be required to enter into and register on title the Agreement of the Condominium Corporation to assume and be bound by the Site Plan Agreement; and,

(8) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton; and,

(ii) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

(c) Application to Remove Part-Lot Control for Lots 67-78, Inclusive, "Rymal Estates" Subdivision, dated 1997 June 11:

(i) That approval be given to Part Lot Control Application 96-03, 100 Main Street East Ltd., owner, to remove part-lot control for Lots 67 to 78, inclusive, located in "Rymal Estates", to permit the creation of 11 lots from the existing 12 lots, as shown on the attached map marked as Appendix "K"; and,

(ii) That the appropriate By-law, to remove part lot control from Lots 67 to 78 inclusive, Registered Plan 62M-679, "Rymal Estates" plan of subdivision, be enacted by Council; and,

(iii) That the exempting By-law be restricted to a 1 year effective time period to expire on July 1, 1998; and,

(iv) That the exempting By-law not be forwarded to Council for adoption until such time as the applicant/owner has entered into a Service Agreement with the Region of Hamilton-Wentworth or has revised the original engineering drawings for "Rymal Estates" subdivision to the satisfaction of the Regional Environment Department; and,

(v) That following the enactment of this By-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law.

(d) **City of Hamilton Comments - Proposed Parkway Belt West Plan Amendment No.125, dated 1997 May 22**

(i) That the City of Hamilton advise the Ministry of Municipal Affairs and Housing the City of Hamilton supports the removal of certain lands within the City of Hamilton, as shown on the attached map marked as Appendix "L", from the Parkway Belt West Plan as proposed in Amendment No. 125.

(ii) That the City Clerk be requested to forward City Council's decision to support Parkway Belt West Plan Amendment No. 125 to the Regional Clerk.

(e) **Proposed Draft Plan of Condominium by Jose da Silva, Manuel DeJesus, and Pasqualina Pagliccia - 914 Mohawk Road East, Lisgar Neighbourhood, dated 1997 June 2**

(i) That approval be granted to application CDM-CONV-97-001 submitted by Jose da Silva, Manuel DeJesus, and Pasqualina Pagliccia, owners, for a draft plan of condominium for property located at Nos. 914 Mohawk Road East to provide for a condominium comprised of 16 two bedroom townhouse units to condominium units, subject to the following conditions:

(a) That this approval applies to the attached draft plan dated July 2, 1996 prepared by Bryan Jacobs, O.L.S.;

(b) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor;

(c) That prior to approval of the final plan,

(1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law 6593 and the Official Plan, and

(2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593;

(d) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-96-002);

(e) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,

(f) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required.

(ii) That the Mayor and the City Clerk be authorized to grant draft approval by signing the draft plan.

(iii) That the Mayor and City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Committee acknowledged the following items for information which was received under separate cover.

(a) Director of Planning and Development re: Planning and Development Department Quarterly Report as at 1997 December 31, dated 1997 May 20

(b) Director of Planning and Development re: Planning and Development Department Quarterly Report as at 1997 March 31, dated 1997 May 20

(c) Director of Planning and Development and Building Commissioner re: Brownfield Redevelopment Task Force, dated 1997 May 16

(d) Secretary, LACAC re: Minutes of the Meeting held 1997 May 5, dated 1997 June 10

(e) Building Commissioner re: Loan Decrease - Commercial Property Improvement Program, 274 Barton Street East, dated 1997 June 5

(f) Director of Planning and Development re: Site Plans for Approval, dated 1997 June 9

(g) Director of Planning and Development re: City of Hamilton Street Naming, dated 1997 June 11.

11. OTHER BUSINESS

(a) DIRECTOR OF PLANNING AND DEVELOPMENT

Request for an Official Plan Amendment and Changes in Zoning for Property Located West of Upper James Street East of West Fifth the Rear Portion of 1187 West Fifth and 1514 Upper James Street and 1468-1500 Upper James Street, dated 1997 June 17:

The Committee recommended to Council as follows:

That Item 2B of the Ninth report of the Planning and Development Committee for 1997 regarding an Official Plan Amendment and ZAC-97-08 for property at Upper James Street and West Fifth Street - list of specific uses for Block 1, be amended by adding the following use to Section 2.b.(f)(i) as Subclause:

"7) wall signs in accordance with the provisions of Section 13A(1)(x) of Zoning By-law 6593."

(b) The Committee resolved to receive a Private and Confidential Report from the City Solicitor regarding Mobile Signs dated 1997 June 17.

(c) The Committee resolved to receive a Private and Confidential Report from the Building Commissioner and the City Solicitor with regard to the Response to Second Citizen Submission on Student Housing in the West End dated 1997 June 16.

12. ADJOURNMENT

There being no further business, the Committee meeting then adjourned.

Taken as read and approved

Alderman D. Drury, Chairperson
Planning and Development Committee

Tina Agnello, Secretary
Planning and Development Committee
/jt

Appendix "A" referred to in
Section 2 of the Minutes of the
Planning and Development Committee
held 1997 June 18

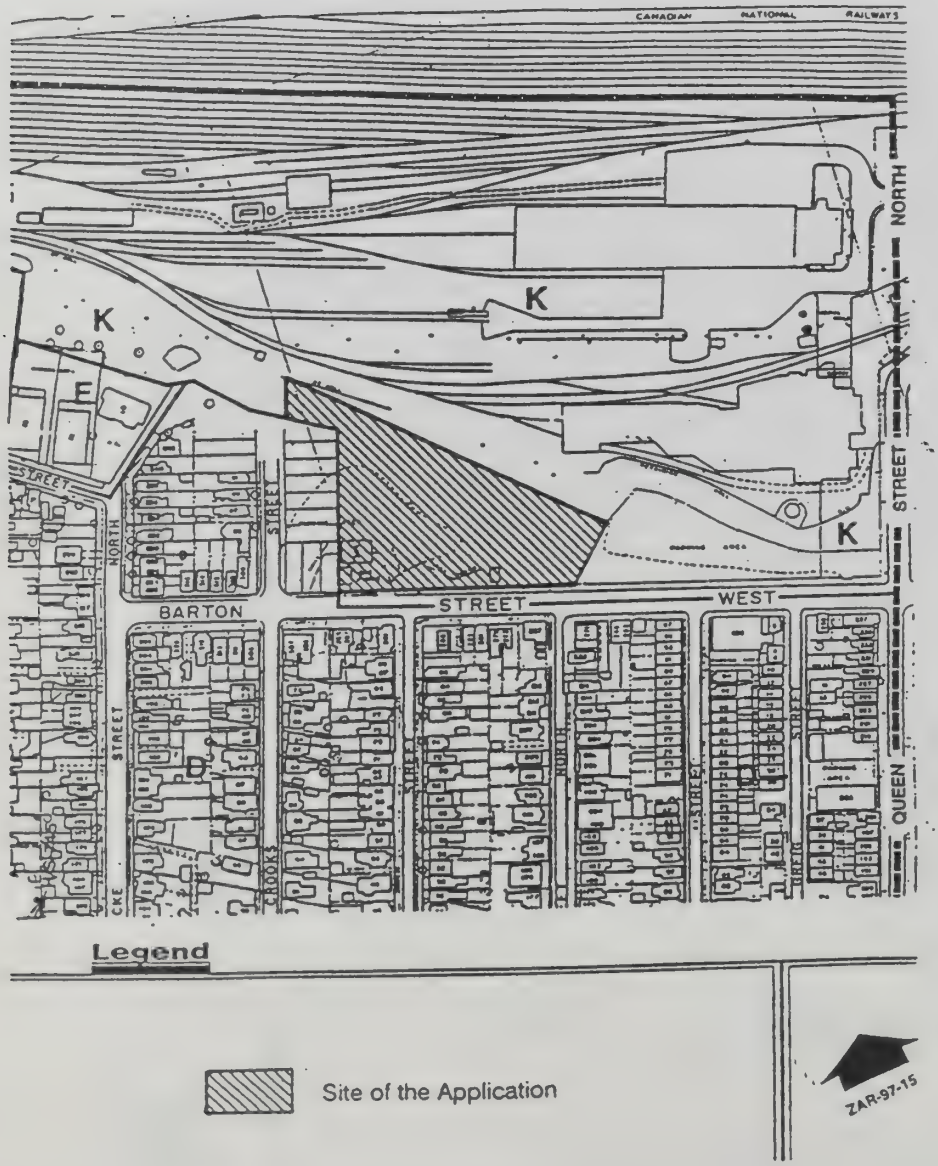


Legend

Site of the Application

ZAC-97-16

Appendix "B" referred to in
Section 3 of the Minutes of the
Planning and Development Committee
held 1997 June 18



Appendix "C" referred to in
Section 4(a) of the Minutes of the
Planning and Development Committee
held 1997 June 18

DOWNTOWN HAMILTON

COMMUNITY IMPROVEMENT PLAN

1997 May 29

1. INTRODUCTION

The purpose of this Community Improvement Plan is two-fold: i) to provide the context for a co-ordinated municipal effort to improve the physical, economic and social climates of the Downtown; and ii) to meet the legislative requirements of the community improvement provisions of the Planning Act, Section 28 that allows a municipality to provide loans and grants as are stipulated in the Plan.

The initiatives identified in the Plan are intended to stimulate private investment, property maintenance and renewal in the Downtown. The focus of these initiatives, and of the Community Improvement Plan, is to foster an environment that will: increase the supply of residential units within the Downtown; ensure a viable Downtown population; encourage the provision of unique or specialized attractions and public facilities; encourage the location of community events; and, encourage public improvement such as streetscape improvements and pedestrian amenities.

The Community Improvement Plan is not intended to provide an exhaustive list of revitalization projects that may be undertaken to stimulate community improvement. The objective of the Plan is to provide a context for Downtown revitalization projects, and to guide the municipal decision-making process so that actions are undertaken that are supportive of, and instrumental in, encouraging Downtown renewal. This Plan provides a framework to better identify projects, and makes reference to many initiatives that have been previously identified for Downtown revitalization. These projects all involve many steps, and will, in some cases, require dedicated funding. Given the current economic realities, reliance on projects that will require public funding to encourage redevelopment and revitalization will not accomplish the goal of creating and maintaining a vibrant, healthy Downtown. The role of the municipality is to provide incentives and remove barriers for development. The Downtown Hamilton Community Improvement Plan can provide a context and reference point for developing specific community improvement projects, as well as identifying actions that can be undertaken in a more co-ordinated manner that will foster Downtown renewal.

Like many other municipalities across Ontario, the viability of Hamilton's downtown area has declined in recent years. Factors contributing to the decline are numerous and include the following:

- the absence of new housing developments;
- a system of traffic flows and patterns that is not as user-friendly for pedestrian and cyclists and urban street life;
- assessed property values that no longer reflect market property values;
- shifting consumer retail shopping preferences;
- the lingering economic recession and the "jobless recovery";
- consumer preferences for a suburban atmosphere or "way-of-life" as opposed to a central city ambience; and,

- minimal marketing promotion of the advantages of Downtown Hamilton to prospective businesses and potential residents;

Yet, in spite of Downtown Hamilton's recent difficulties, there is a tremendous untapped potential:

- a population base of some 26,000 residents;
- a personal Disposable household income of residents in excess of $500 million;
- slightly over 38,000 jobs located in the downtown;
- a strong entrepreneurial spirit among downtown merchants;
- a clear civic commitment from residents of downtown neighbourhoods;
- connections to the West Harbourfront Area and potential redevelopment;
- the Art Gallery of Hamilton, Central Public Library, Hamilton Place, duMaurier Centre, Copps Coliseum, Gore Park, Jackson Square, Hamilton Eaton Centre and City Hall which are all key anchors that underpin the vitality of the downtown community;
- the availability of low-cost customer parking; and,
- a stable population base and the socio-economic characteristics of downtown residents.
- high accessibility compared to some other major centres e.g. Toronto

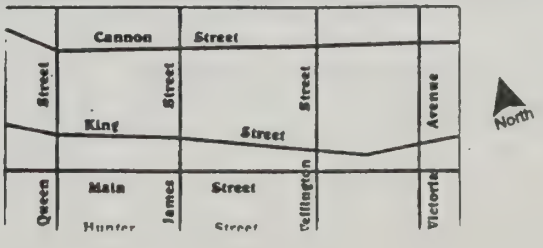
Since 1846, Downtown Hamilton has been the cultural, social and historical centre of the greater Hamilton community. In an era of "cookie-cutter" municipalities, a key strength of the City of Hamilton and the Region of Hamilton-Wentworth is its clearly identifiable City Centre - Downtown Hamilton. This area provides a unique urban ambience unparalleled in greater Hamilton. The strength and vitality of Hamilton's downtown is a clear signal of the strength and vitality of our community as a whole. The co-ordinated commitment to Hamilton's Downtown is a commitment from all citizens of Hamilton-Wentworth to the betterment of their community.

The challenges facing downtown Hamilton are challenges which face our broader community and cannot be ignored.

2. AREA OF COMMUNITY IMPROVEMENT PLAN

The Downtown Community Improvement Plan applies to the lands identified in the Downtown Community Improvement Project Area (CIPA). The CIPA is bounded northerly by Cannon Street, southerly by Hunter Street, westerly by Queen Street and easterly by Victoria Avenue (as identified in Figure 1).

*FIGURE 1.***The Downtown Community Improvement Project Area:**



3. VISION OF THE DOWNTOWN

Generally the City of Hamilton is striving to achieve the following Mission Statement:

> *"That the downtown be a community where people wish to live, work and visit".*

As such, it is important that the downtown provide the following elements:

- it is integrated, safe, and healthy;
- it links a number of communities and facilities together;
- it is easily accessible and encourages walking, stopping and parking;
- it is a community for young families, aging population, student population, professionals, knowledge workers, workers, regional functions, world class business innovators, visitors, and gentry;
- it offers destination shopping and niche marketing;
- it appeals to those looking for 'creature-comforts'; and,
- it appeals to growing trends in do-it-yourself, cottage industry, home-based businesses, arts and crafts, hobbyists, etc. (e.g. lifelong learning, wine making, gardening, culinary arts and cooking, etc.)

It has been a common theme that the ultimate objective in terms of achieving a specific result is to have more people in the downtown to spend and invest their money. By inference, if the City of Hamilton is successful in assisting in programs which bring a substantially higher number of people downtown and these people spend money and invest in downtown, it will become a viable regional centre.

The three components of the Mission Statement for the downtown should be targeted for special attention. While all three involve people, it is hoped that these three groupings form the basis of action and direction of the City of Hamilton.

a) Those People Who Live in Downtown

Much of the literature related to rejuvenation of downtown areas calls for increasing the amount of housing in the downtown area. The objective of the City in this sector will be to establish a comfortable, safe, and dynamic residential community.

Specific initiatives that have and are to be considered include:

- implementation of the Convert-to-Rent Program;
- investigate improved transit;

- initiate a marketing program to illustrate the affordability of moving in downtown Hamilton compared to locations closer to Toronto;
- investigate linkages between housing development in the downtown and access to the GO Station; and,
- fee rebates for new development and redevelopment projects, waiving the parking requirments and the 5% parkland dedication.

b) Those People Who Work Downtown

For this group of people, the ultimate objective is for them to either generate a profit in downtown or provide a specific service to those in the downtown core. Those groups who wish to generate a profit in downtown include existing businesses (retail, office, service sector, hotels), owners of existing buildings and owners of vacant land. Programs will have to be devised to enhance existing business operations and to attract new business ventures to the core.

Those who provide a service in the downtown area include: government, educational institutions, local churches, service organizations including the Social Planning & Research Council, hostels, food banks, etc.

There is a range of programs to consider for achieving these objectives. As successful programs are initiated in each of the other two sectors, (i.e. housing and visitors) those with an economic interest in downtown will benefit.

c) Those People Who Visit the Downtown

To the extent visitors can be attracted to the downtown area, additional dollars will flow to support downtown business operations. The marketing program should be targeted towards a range of visitor groupings, including those who live in the City of Hamilton and the immediate regional community, out of town visitors in Southern Ontario, the wider Provincial market and Canadian market, as well as international markets.

The intent of this exercise will be to build on the current strengths of the downtown area, develop such markets and broaden the catchment area for downtown facilities while at the same time trying to compete with distant markets to capture dollars which are currently flowing out of the community.

GOALS OF THE DOWNTOWN COMMUNITY IMPROVEMENT PLAN

The goals of the Downtown Hamilton Community Improvement Plan are:

a) to enhance the Downtown as a unique community and the Heart of the City and Region. The Downtown shall be a place where people are attracted to live, work and visit;

b) to encourage the preservation and enhancement of significant heritage resources;

c) to encourage and assist private property owners to rehabilitate buildings in the Downtown to ensure their long-term economic viability;

d) to focus municipal efforts that address the provision of streetscape improvements, municipal services and infrastructure; and,

e) to promote the continued development of the Downtown as the primary business, office, cultural and administrative centre for the City and Region.

OBJECTIVES OF THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PLAN

The objectives of the Downtown Hamilton Community Improvement Plan are:

a) to promote the long-term stability and viability of the Downtown;

b) to encourage the co-ordination of municipal expenditures and planning and development activity;

c) to stimulate private property maintenance and reinvestment activity;

d) to enhance the visual quality of the Downtown through the recognition and protection of heritage buildings;

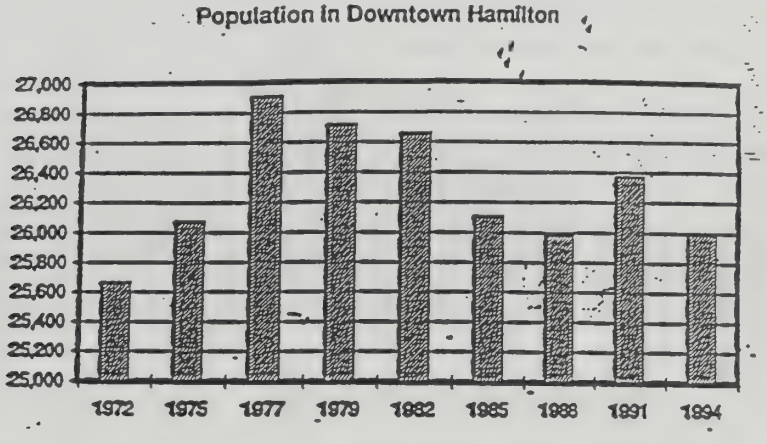
e) to upgrade physical services and social and recreation facilities; and,

f) to provide for streetscaping, servicing and building rehabilitation and improvements to enhance the Downtown, and encourage complementary revitalization or redevelopment through private investment.

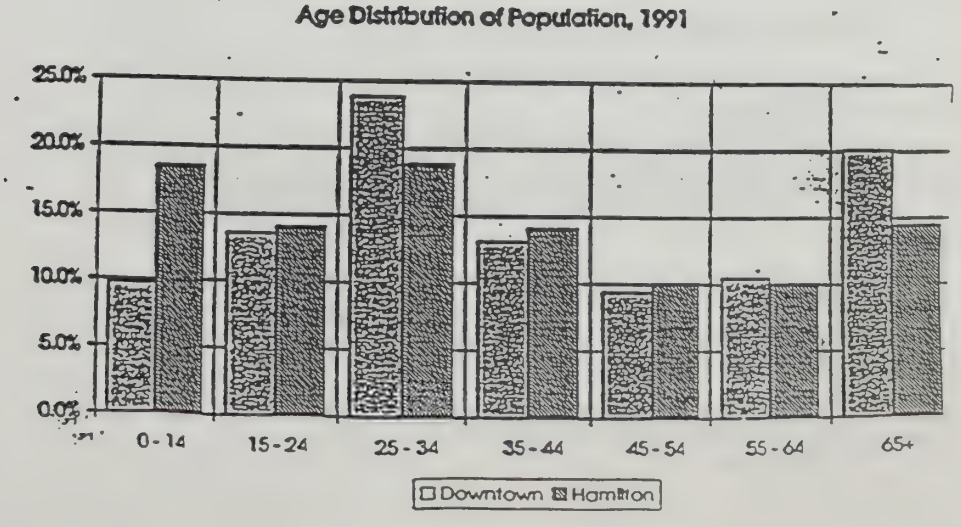
THE DOWNTOWN AREA - DEMOGRAPHIC ANALYSIS

The following is a summary of major demographic trends affecting the Downtown.

1. The population of Hamilton's Downtown experienced a decline in population from 1977 to 1985 and since that time has remained relatively stable in the 26,000 person range.

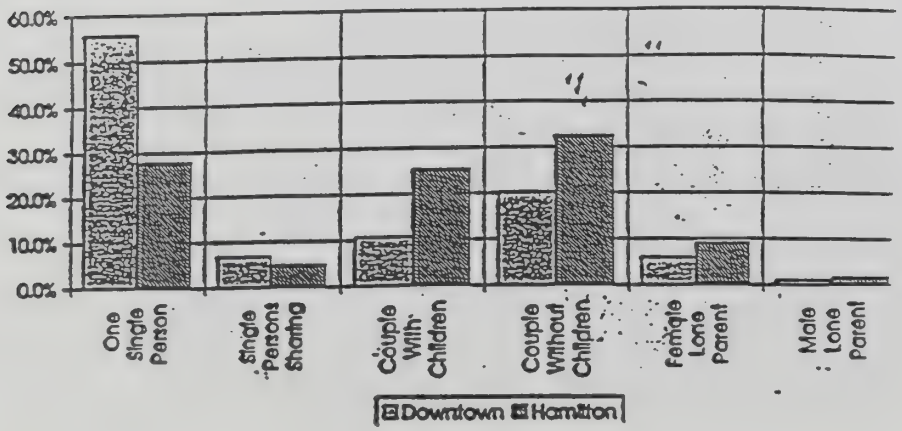


2. Downtown Hamilton recorded a higher proportion of people in the 25 to 34 years age cohort than the City of Hamilton as a whole. In addition, there was a lower proportion of children aged 0 to 14 years in Hamilton's Downtown compared to the City of Hamilton and a higher proportion of senior citizens aged 65 years and over.



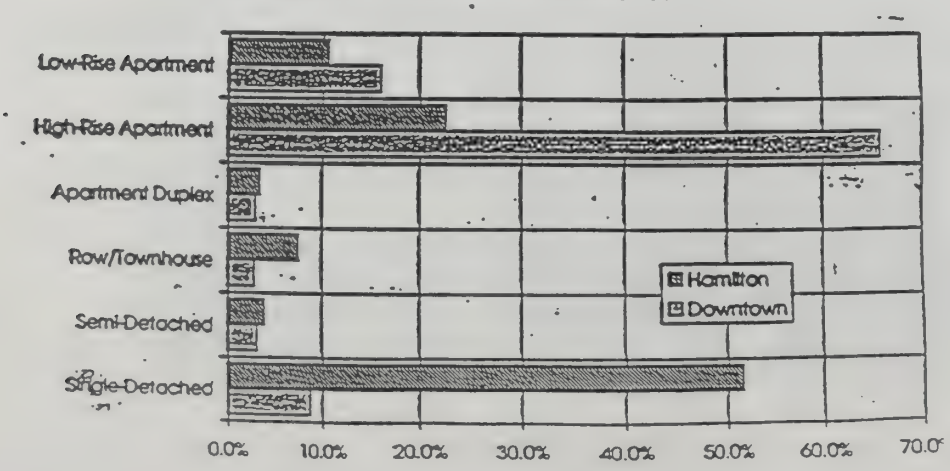
3. One single person households are the most prevalent household type in Hamilton's Downtown and accounted for over one-half of all households. There was a lower proportion of couples with children and couples without children in the Downtown compared to the City of Hamilton.

Distribution of Households by Type, 1991

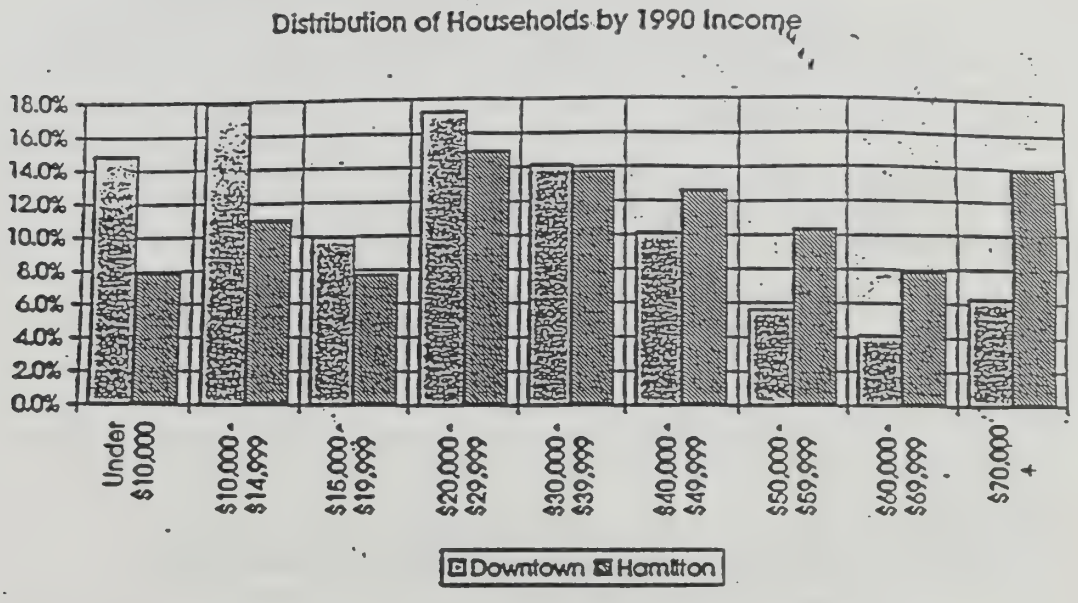


4. There was a much higher proportion of high-rise apartment units in Hamilton's Downtown compared to the City of Hamilton, 65.8 percent versus 22.6 percent. Single-detached dwellings accounted for under 10 percent of all dwellings in the Downtown while the proportion for the City of Hamilton was over 50 percent.

Distribution of Households by Dwelling Type, 1991



5. There was a higher proportion of lower income households in Hamilton's Downtown than the overall City of Hamilton and, conversely, a lowerproportion of higher income households. The average household income (1990) for Downtown households was recorded at $31,228. compared to $41,232. for the City of Hamilton.



7. PLANNING POLICIES AND CONTROLS

The following is a list of specific controls currently in affect in the downtown and major planning concerns.

A) Regional Official Plan - Towards a Sustainable Region

- Approved by the Ministry of Municipal Affairs on 1995 January 05
- Founded on the principles of Vision 2020 - sustainable development
- Downtown Hamilton designated as the Regional Centre, on Regional Development Pattern

Part B - Quality of Life

Provides policies which endeavour to enhance the way people live in this Region; issues relate to governance, environment, health, social services, shelter, culture, heritage, etc. Policies relevant to CIPA:

4.1.1 Implement an Economic Action Plan with emphasis on such things as improving workforce; improving competitiveness of small business; building partnerships in community; developing community infrastructure that is supportive of economic development.

Part C - Land Use Strategy

Contains more specific land use policies to help guide public/private decision making. Policies relevant to the CIPA include compact land use form; retail; services; transit:

3.1.1.3 Promote the Regional Centre in Downtown Hamilton as the most important mixed use activity centre, offering the widest range of goods and services of any single location in the Region.

3.1.1.4 Maintain the Regional Administrative Offices in the Regional Centre.

3.1.1.5 Promote and support efforts directed at making the Regional Centre the focus for major cultural facilities (e.g. art galleries, libraries and performing arts).

3.1.6.1 Direct retail/commercial/office uses to locate in Mixed Use Activity Centres and Corridors, shopping centres, existing and planned retail areas.

3.1.7.1 Encourage head offices and large branch offices of finance, insurance and real estate firms serving Region-wide or specialized interests to locate in the Regional Centre.

3.1.7.2 Encourage Region-wide or specialized community, business and personal services to locate in the Regional Centre.

4.3.2.3 Plan and operate the urban transit system, so that:

a) The Regional Centre is the primary focus of transit service, with an appropriate level of service and degree of accessibility.

B) City of Hamilton Official Plan - Central Area Plan - Extracts Relevant to the CIPA:

Purpose: The Central Area Plan is a secondary plan prepared to give policy direction for the area bounded by the Harbour, Queen Street, the Escarpment and Victoria Avenue. It includes Durand, Corktown, Central, Beasley, North End East and West Neighbourhoods and portions of Landsdale and Stinson west of Victoria Avenue.

Overview: The plan stresses the importance of a healthy, vibrant, well-designed, human-scale environment and economic well-being of the Central Area, with policies aimed at:

- building on the Central Area's existing attributes; and,
- creating an environment conducive to investment, redevelopment and growth.

Status: The Plan is an update of the original Central Area Plan, which dates back to 1981 and is approved by Committee.

There are outstanding appeals of the O.P.A., some of which have been lodged by the Hamilton Harbour Commissioners. Several pre-hearing mediation meetings have been held, with a fifth one to be held shortly, but no compromise solution is anticipated at this time.

Policies: The portions of the plan policies most relevant to the CIPA are:

General: the Centre of Hamilton is considered the "Regional Centre"; and to be recognized as a multi-use area; emphasis on urban design, compatibility of uses.

Downtown Core: includes most of CIPA, except far east and north-east portions.

- Permitted Uses - to maintain and enhance the downtown core, a mix of uses to be encouraged, namely commercial uses (office buildings and stores); residential development; and institutional uses, esp governments.
- Promote as primary commercial centre of Region; location for offices, retail.

- Reinforce existing commercial on James Street, Hess Village, east of James Street.

Mixed Use: includes far east and north-east portions of the CIPA Area.
- Permitted Uses - light industrial, commercial, residential, institutional, recreational and related ancillary uses.
- Existing uses to remain; a mix of new uses to be encouraged; new developments not to adversely affect existing ones; applications to be considered on own merits, in light of long-term goals for growth and revitalization.

C) Neighbourhood Plans in CIPA

i) **Central Neighbourhood Plan**

Location - This neighbourhood comprises the area bounded by Queen Street, Main Street, James Street and the CNR Mainline north of Barton Street, and includes the portion of the CIPA between Bay Street and James Street.

Neighbourhood Plan Review - A review of the existing Central Neighbourhood Plan is nearing completion. A public meeting is to be held to enable additional public input, prior to the plan being taken forward for adoption.

The emphasis of the proposed plan, for the core area, is to strengthen and complete the areas designated "Downtown Core", as defined by the Central Area Plan. This includes all of the CIPA which is located in the Central Neighbourhood. Higher density housing (4 to 8 storey apartment buildings) are proposed adjacent to the downtown core.

Existing Plan - The original Central Neighbourhood Plan was adopted by City Council in 1973, and has been amended since that time. It designates lands within the Focus Area "Commercial", except for Copps Coliseum and Civic Square, which are designed "Civic and Institutional".

ii) **Beasley Neighbourhood Plan**

Location - This neighbourhood comprises lands bounded by James Street, Main Street, Wellington Street and the CNR Mainline. It includes the part of the CIPA east of James Street up to Wellington Street.

Neighbourhood Plan Review - A new Beasley Neighbourhood Plan has recently been approved by City Council. The plan was prepared by staff, in conjunction with an advisory committee.

The main thrust of the plan is to make the neighbourhood an "attractive" and "desirable" place to live, namely attractive to residents by improving their quality of life, and attractive to businesses by improving their viability. Proposed actions include increasing the amount of green space; promoting mixed residential/commercial along all major streets; scaling back the one-way street system; undertaking a market value re-assessment; upgrading police presence and attention to urban design; focusing the size of the commercial downtown core into a smaller geographic area; and discouraging the creation of new parking lots.

iii) **Corktown Neighbourhood Plan**

Location - This neighbourhood comprises the area bounded by James Street, Main Street, Wellington Street and the Escarpment, and includes the portion of the CIPA south of Main and east of James.

Neighbourhood Plan Review - A review of the existing Corktown Neighbourhood Plan began in April, 1996 and is nearing completion. The draft plan, prepared with a citizen advisory committee, has been circulated to agencies. A public meeting is scheduled for December 05, 1996 to obtain input from the general public, prior to the plan being finalized and taken forward to the Planning and Development Committee for adoption in early 1997.

The purpose of the proposed plan is to create, over the next 15 years and beyond, a Corktown that is attractive, affordable and accessible, is clean, green and cohesive; is stable, livable and economically viable; has a strong identity and enhances the image of Hamilton; and has stakeholders actively involved in making decisions about the future of Corktown. Higher buildings of up to 12 storeys are proposed in the core, with lower heights to the south.

Existing Plan - The original Corktown Neighbourhood Plan was adopted by Council in November 1973, and called for a number of rezonings. It has been amended extensively since that time. It designates lands within the CIPA mainly Commercial", and "Commercial and Apartments" and some "Civic and Institutional".

iv) **Durand Neighbourhood Plan**

Location - This neighbourhood comprises lands bounded by Queen Street, Main Street, James Street and the Escarpment. It includes the portion of the CIPA south of Main and west of James.

Neighbourhood Plan Review - The Durand Neighbourhood Plan Update was prepared beginning in 1984, with the assistance of a citizen advisory committee. The plan preparation process involved the identification of issues and development of policies and actions to address these. The final version of the plan was adopted by Council in 1987.

The major goals of the Durand Plan include preservation of the residential character, which includes a mix of densities; directing commercial uses to the periphery; increasing recreational and parkland areas; heritage preservation; and restricting through traffic. The area within the CIPA are designated mostly for "Commercial", "Civic and Institutional", and, "High Density Apartments".

Former Plan - The original Durand Neighbourhood Plan was adopted by Council in 1973. It provided for extensive areas of high density residential, and designated lands within the CIPA for much the same uses as the 1987 plan update.

D) Designated Buildings:

Designation of buildings under the Ontario Heritage Act is done for the purposes of identifying and conserving buildings that are considered to be historically and/or architecturally significant. This enables retaining the original architectural character of features, especially facades, and in some cases interior features. Heritage funding grants are available for this purpose, and threatened demolition can be delayed while alternative approaches are pursued.

There are presently 6 designated buildings within the CIPA. These include:

- Pigott Building
- Sun Life Building
- Right House Building
- Landed Banking Loan Co. Building
- Victoria Hall
- Hamilton Courthouse

The designation of buildings within the CIPA is continuously being reviewed, and LACAC staff have indicated there may be several more buildings to be added to the inventory of listed buildings in the future.

E) Zoning By-Law

The Zoning By-Law governs permitted uses and development standards in the City. Several zoning districts exist in the CIPA, indicated by letter codes. This is a brief overview.

"CR-3" (Commercial - Residential) District

- Found in several areas in central and east part of CIPA
- Permitted Uses: Residential - multiple dwellings; apt. hotel, care facilities; etc.
  Commercial - office; retail; etc.; combined with residential, separate access
  Institutional & Public - nursing home; day nursery; library; art gallery
- Density permitted: Max. Floor Area - 8 times lot area; Max. Height - 24 storeys

"H" (Community Shopping and Commercial, etc.) District

- Found at eastern end of CIPA
- Permitted Uses: Residential - lodging house; single family with commercial; care facilities
  Commercial - wide range of retail; office; other; some light industrial
  Institutional - nursing home; home for aged; day nursery; jail; clubs; etc.
- Density permitted: Max. Floor Area - 8 times lot area; Max. Height - 4 to 18 storeys

"HI" (Civic Centre Protected Districts)

- Located in vicinity of Main Street and MacNab Street; Main Street and Bay Street
- Permitted Uses: hotel; nursing home; day nursery; public uses;
  Commercial - professional offices; various retail and service
- Density permitted: Max. Floor Area - 8 time slot area; Max. Height - 4 to 18 storeys

"I" (Central Business District, etc.) District

- Most prevalent zoning district in CIPA; found throughout, especially west and central
- Permitted Uses: Almost any residential, institutional or public use; care facility; lodging
  Commercial - almost any commercial; storage yards; industrial uses with minimal noise
- Density permitted: Max. Height - 37m (about 10 storeys) to 100m (about 30 storeys)

"J" (Light and Limited Heavy Industry, etc.) District

- One area in block at King William Street and Ferguson Avenue
- Permitted Uses: Institutional Uses including day nursery; detention centre
  Public & Commercial - Almost any use
  Light & Limited Industrial - uses such as food; mfg.; metals
- Density permitted: Max. Height - 10 storeys

Several site-specific Zoning By-Laws also exist, to define permitted uses and design for specific sites. For example, "H/S-472".

F) Site Plan Control

The entire Central Area is subject to Site Plan Control. The City reviews site design features, and co-ordinates siting of buildings; grading; landscaping; parking; access; other design aspects.

G) Planning Issues

i) **Buildings and Open Spaces**

There is diversity in the configuration of buildings and open spaces. There are several large buildings at the western end of the CIPA, including Jackson Square, an enclosed mall, the Hamilton Eaton Centre, Copps Trade Centre and Arena, and several other public buildings within the Civic Centre. There are also several other landmark buildings, many of which have historical significance. Along King Street East, facing Gore Park and extending to the east, most buildings are about three stories in height, apartments over stores, with some new infill.

ii) **Design**

Development in the downtown, although controlled by various regulations, does not always result in buildings and areas which are attractive to pedestrians. Some sections of the streetscape, such as adjacent to high-rise commercial buildings, are not as inviting to pedestrians as they could be, and in some cases there are obstacles to walking.

iii) **Limited Greenspace**

Gore Park is a small green space at the very core of the downtown. The green oasis which it provides is surrounded by roadways carrying the highest traffic volumes in the core. The main downtown location for bus stops is also at Gore Park, so the green park environment is often surrounded by a wall

of buses. The original fountain is being reconstructed in the Park, and bus shelters are also being considered, so the actual amount of green space is being reduced.

iv) **Downtown Development Corporation**

The Founding Board of the Greater Hamilton Downtown Community Development Corporation (GHDCDC) is a non-profit organization created to establish Downtown Hamilton as the economic, cultural, social and institutional centre of the Region. It was established in mid 1995, with a wide membership including politicians, business people, municipal staff, residents and other key stakeholders, and is intended to be a high profile committee of decision-makers with a mandate for action. Currently they are developing a strategic action plan that will identify downtown initiatives through public/private partnerships.

v) **Status of Downtown Initiatives**

There are many actions, studies and other initiatives underway or being considered in the downtown area. These include areas such as lighting improvements, beautification, parking meters, festivals, student housing; sign requirements; major renovation; etc. There are several committees in addition to the GHDCDC Founding Board, such as the staff Downtown Initiatives Committee.

vi) **Gore Heritage Design Study**

This study was initiated to investigate how to best conserve and enhance the special character of the Gore area of Hamilton. The Gore Park area along King Street in the downtown has much historical significance, but is now threatened by vacant buildings, and high-rise zoning. The study identifies the potential for returning existing buildings to their original condition as well as investigating design guidelines and incentives.

vii) **Social Impact - Public Amenities, Safety, Accessibility**

Crime rates in the downtown and surrounding neighbourhoods are quite high, compared to many suburban areas. These rates must be considered in the context of the higher population densities in the core, and the higher risk of crime associated with more commercial areas.

8. PREVIOUS COMMUNITY IMPROVEMENT PROJECTS

Various portions of the Downtown have been, and in some cases, are still, sites of community improvement projects. The Core Redevelopment Area and corresponding Downtown Core Redevelopment Plan were established by by-law in 1983 for the purpose of implementing various phases of the Downtown Action Plan. The works undertaken included sidewalk improvements and widenings, park redevelopment, street lighting, plantings, street furniture and road resurfacing. Monies to implement the Downtown Action Plan were derived from the Ministry of Municipal Affairs under the Commercial Area Improvement Program and the City of Hamilton. The by-laws establishing the Core Redevelopment Area and corresponding Plan and addendums were repealed in 1991.

In 1986 the City of Hamilton established the Commercial Facade Program. The program is still on-going and provides loans (to a maximum of $15,000. per unit) at half the City's prime rate, amortized over a ten year period, for the rehabilitation of commercial property facades. This program has since expanded to include a maximum of $10,000. per unit for interior renovations and is now known as the Commercial Property Improvement Program. The properties must be within an established Business Improvement Area (B.I.A.). There are seven B.I.A.'s presently established in the City of Hamilton namely: Barton General, Concession, Downtown Hamilton, International Village, Main West, Ottawa North and, Westdale Village. Community Improvement Project Areas and corresponding Community Improvement Plans were created in accordance with the Planning Act, Section 28 for the purpose of implementing the Program.

9. COMMUNITY IMPROVEMENT INITIATIVES:

The following list summarizes the strategies and initiatives that may be pursued through this Community Improvement Plan, and through any other City action intended to foster downtown revitalization. This list is not intended to be exclusive or exhaustive. It is intended to provide a framework for Downtown revitalization and renewal. The initiatives have been identified at a number of levels including: the document entitled "Strong Medicine.... A Prescription for the Heart of Hamilton Wentworth; the City/Region staff's Downtown Initiatives Committee; the Mayor's Task Force for Downtown Renewal; and, the Hamilton Society of Architect's Downtown Charette.

Each initiative is to be developed and evaluated on its own merit and taken through the appropriate approval process including Standing Committee and Council if needed, and if applicable, the appropriate funding process.

As these projects and others are approved they will be attached as further appendices to this document without requiring amendment to the Plan.

a) **The Convert/Renovate-to-Rent Program**

The City of Hamilton will provide financial assistance to property owners within the CIPA to either create apartments in vacant spaces above stores or to bring unused or deteriorated apartments in commercial buildings into compliance with the Property Standards By-law and Fire Code (as per Appendix 'A').

b) **Fee Rebates for New Development and Redevelopment Projects, Waiving of Parking Requirements and 5% Parkland dedication**

As an incentive for development and redevelopment activities in the downtown, the City of Hamilton will offer fee rebates for planning and building new development and redevelopment projects as well as waive the 5% parkland dedication and parking requirements for residential development/redevelopment (as per Appendix 'B').

c) **Attract key "niche" retailers**

Boost the distinctive retail and day-trip profile of Downtown by targeted recruiting of one or more major retailers without a significant presence in Ontario.

d) **Prepare Plans for Renovation of Key Vacant Buildings**

Work with landlords to create redevelopment proposals for existing properties, aimed at providing facilities for design studios, computer software firms, artists studios and "loft" apartments.

e) **Improve Fibre-optic Opportunities in the Downtown**

Create a public-sector fibre-optic cable wide-area communications network focused on the Downtown in 1997, to demonstrate that Hamilton makes a good location for communications-based businesses, such as call centres and commercial "back office" functions.

f) **Canadian Society of Association Executive Convention in Hamilton**

Promote Downtown Hamilton as an excellent location for national and regional association headquarters, by specifically targeting the national trade association of those organizations.

g) Develop a Commercial Parking Lot Licensing By-law

Making parking lots part of the solution to the problems of Downtown, not one of its major symptoms. Combine licensing and redevelopment incentives for commercial parking lots to promote their early redevelopment and to discourage further demolitions leading to more vacant parking lots.

h) **Concept for Dealing with Tax and Assessment Issues**

Investigate whether the City and Region can facilitate a process through which the Ontario Municipal Board would agree to mediate settlements between the Assessment Commissioner and the appelants.

i) **Property Tax Exemptions for municipal and quasi-municipal uses**

Expand the range of tax-exemptions for public and cultural institutions, to promote their continued ability to operate econimically Downtown.

j) **City Housing and Development Targetting on Key Downtown Properties**

Identify four or five properties with a high redevelopment priority for the Downtown, and prepare investment portfolios for presentation to identified potential investors. The investment portfolios would highlight commercially attractive features, such as a commitment to include Regional Municipality office space, to relax parking requirements, etc.

k) **Implementation of "strategic initiatives" identified in the Downtown Charette**

Improve the physical/pedestrian links between key areas of Downtown; such as:between Hess Village and the Convention Centre; between James Street North and the Eaton Centre area; and, between Theatre Aquarius/Broadway and King Street East.

l) **Implementation of "Transportation" Initiatives with the Aim of Creating a More "People Friendly" Environment.**

Take the proposals set out in various documents e.g. the Regional Transportation Review and Downtown Charette, and explore with the Region, the alternatives to the existing downtown circulation system to promote changes and objectives of the downtown renewal strategies.

m) New Parking Requirements

Authorize universal "no charge" 3 hour parking in all or most municipal lots, to be effective for the 1996 Holiday season. Investigate other parking incentives.

n) **Relocation of Regional Offices in the Downtown**

As a lever to redevelopment, Regional Municipality office space should be relocated to strategic downtown locations wherever feasible, on an aggressive timetable. If appropriate, the decision to relocate the Region's headquarters to the Court House should be reconsidered, especially if a major new corporate or institutional entity could be recruited to Downtown by leasing that property.

o) **Mass-Market the Art Gallary**

Encourage the Art Gallery to initiate a major reservation-ticket exhibition with commercial marketing potential.

p) **Neo-traditional Development in Neighbourhoods Surrounding the Downtown**

Explore with the Hamilton Halton Homebuilders, the possibility of expanding their recent initiative into the creation of a full-scale neo-traditional neighbourhood on underutilized lands adjacent to the Downtown.

q) **Create a Hamilton Secondary Plan**

Create a separate Downtown Neighbourhood within the City and Regional Official Plans.

r) **Create a Downtown Hamilton Partnership**

Establish a Downtown Hamilton Partnership, a small group of leaders of business, government and the community at large, who would set broad, strategic direction for Downtown initiatives, but whose work would be done through existing organizations and special task groups created to achieve specific results.

s) Engage a Downtown Co-ordinator

Examine the possibility of hiring a Downtown Co-ordinator with responsibility to follow-up on the actions outlined in the Downtown Partnership Strategy. The Co-ordinator would be a full-time advocate for the Downtown, operating at arm's length from municipal authorities, but with the support of municipal resources.

t) **Include Funding for Initiatives in Current and Capital Budgets**

Create a separate Downtown current and capital budget within the overall budgets of the Regional Municipality and the City of Hamilton, in order to allow priorities to be established and work to be more effectively co-ordinated.

u) **Financial Assistance To Property Owners**

Investigate and if feasible implement, financial assistance programs to property owners such as Heritage grants/loans for rehabilitation of historically significant buildings within the CIPA.

v) **Increase in Assessment Rebate Program**

Investigate the potential of implementing a rebate program for property owners who improve their properties thereby increasing the property's assessment. If the potential for the program is feasible implement the Program.

w) **Bus Shelters in Gore Park**

Monitor the bus shelter issue in Gore Park.

x) **Garbage Containers in Alleyways.**

Modify the design of the garbage containers in the back alleyways and produce a prototype of the design to determine whether the difficulties encountered through garbage collection is addressed. Continue to work with the B.I.A.'s to address the concerns.

y) **Improve Media Relations**

Establish a rapport with the local media. Feed the media with news on the downtown and celebrate successes.

z) **Perimeter Road**

The implementation of the Perimeter Road will alleviate the through traffic and truck traffic from the downtown.

aa) **Examination of Non-Resident Library Fees**

Study the possibility of eliminating the non-resident library fees to encourage residents from the Region to visit the Central Library in the Downtown.

bb) **Pedestrian Improvement**

Investigate improvements that will make the Downtown more pedestrian friendly. Possibilities could include: sidewalk widening, canopies, re-cyclable bins, additional benches, increased lighting, additional flowers and trees, and, installation of sign trees.

cc) **Murals for the B.I.A.'s.**

Create wall murals within the Downtown area and investigate other public art opportunities.

dd) **Mustard Festival**

Implement festivals in the Downtown such as an Annual Mustard Festival.

ee) **Sustainable Development Day**

Bring the Sustainable Development activities to the Downtown core. Include downtown tours in the programming.

ff) **Ferguson Avenue Redevelopment**

Implement the downtown portion of the Ferguson Avenue Redevelopment Plan that creates a continual pedestrian/bicycle link between the Escarpment, the Downtown and the Bay. The Downtown portion creates a cultural area within the International Village B.I.A. providing the opportunities to hold many events within this area.

gg) **Hughson Street**

Review the potential for implementing the Hughson Street Study that proposes the creation of a pedestrian only area on Hughson Street between Hunter and King William Streets.

hh) **Gore Park Heritage Study**

Implement the Gore Park Heritage Study, a Study that identifies the potential for rehabilitating the historical significance of the buildings surrounding Gore Park.

ii) **Downtown Demographic Analysis**

Complete a demographic analysis of the downtown based on the 1996 Stats Canada information when available, as well as carrying out surveys, to better understand the surrounding community and to use as possible marketing tools for prospective businesses/developers.

jj) **Research Downtown Initiatives in Other Communities**

Continue to contact other communities to determine what has aided in revitalizing their Downtowns as well as what hasn't.

kk) **Traffic Calming Initiatives**

As part of a transportation review investigate traffic calming initiatives.

ll) **Improve Safety and Security Initiatives**

Investigate the possibility of hiring Ambassadors for the Downtown by contacting other communities that have implemented this initiative, and if appropriate and implement a similar program. The duties of Ambassadors range from cleaning the street to directing people and calling in to the Police Department when the need arises.

mm) **Hamilton/Halton Homebuilders Agreement**

Partner with the Hamilton-Halton Homebuilders Association for the purpose of co-ordinating the development of one or two blocks within the Downtown core. The development will act as a catalyst for other development initiatives.

10. CONCLUSION

The approval of a Downtown Community Improvement Plan will provide a legislative basis and context for some of the initiatives identified to foster Downtown revitalization. The Plan is intended to bring these efforts together within one document in order to ensure that the Downtown is dealt with in a comprehensive and co-ordinated manner, and that the initiatives identified can be directed towards community improvement.

As previously stated, each initiative is to be developed and evaluated on its own merit and taken through the appropriate approval process (Standing Committee and Council if needed), and if applicable, the appropriate funding process.

As these projects and others are approved they will be attached as further appendices to this document without requiring amendment to the Plan.

APPENDIX "A"

Summary of Terms of Hamilton Downtown Convert/Renovate-to-Rent Loan Program

(a)	Lender:	The Corporation of the City of Hamilton
(b)	Duration of Loan Program:	Until terminated by City Council
(c)	Initial Loan Capital: Additional Loan Capital:	$180,000 - City funds $180,000 - Region funds
(d)	Loan Interest rate: Interest on arrears:	Zero interest 12.9996% per annum or such tax arrears interest rate established by Council.
(e)	Maximum Loan Term:	Ten years (subject to prior termination on default) Principal repayable in monthly amounts over 120 months
(f)	Maximum Loan:	The lesser of cost or $12,000 per apartment unit with a maximum of $48,000 loan per property;
(g)	Purpose of Loan:	Costs of converting upper floors of commercial buildings into apartments or renovations to bring existing apartments into compliance with the Property Standards By-law and Fire Code. The existing apartments must be in commercial buildings;
(h)	Security:	Promissory Note and Lien on property being improved and/or a collateral mortgage on other property subject to City's minimum equity requirement;
(i)	Minimum Equity Requirement:	Owner shall have not less than 25% equity in the appraised value of the property offered as security, including value of alterations being financed;
(j)	Realty Taxes:	In good standing at all times
(k)	Eligible Costs:	All costs associated with the conversion or renovations to be borne by the applicant including construction, design, appraisal, legal, registration fees. City retains right to assess reasonableness of costs and which costs are eligible for program;
(l)	Sale or Refinancing of Property:	Loan due in full;
(m)	Revolving Loan Account:	Loan repayments to be credited to loan program account for re-lending;

(n) Except as provided above, subject to City's usual lending criteria.

SCHEDULE 'B'

Downtown Savings

	Before Downtown Initiatives	After Downtown Initiatives
Development Charges		
Commercial - City	$ 0.00	$ 0.00
Commercial - Region	$2.64 / ft^2	$ 0.00
Residential - City	single, semi or row - $1,565.44 2 or more bedroom apt. - $894.54 1 bedroom apt. - $447.27	$ 0.00 $ 0.00 $ 0.00
Residential - Region	single family - $5,113.00 multiple family - $3,798.00 apartment - $2,191.00	$ 0.00 $ 0.00 $ 0.00
Fees *		
Official Plan Amendment	$1,730.00	$ 0.00
Zoning By-Law Amendment	$1,730.00	$ 0.00
Minor Variance (1 or 2 family dwelling)	$250.00	$ 0.00
Minor Variance (all others)	$400.00	$ 0.00
Building Permits	$150.00 for 1st $10,000.00 of estimated construction value + $9.00 each additional $1,000.00	$ 0.00
Site Plan Application	$1,020.00	$ 0.00
Revision of Approved Site Plan	$410.00	$ 0.00
5% Parkland Dedication	5% or cash equivalent	0 % or $ 0.00, if building permit is issued by Sept. 1 1999
Public Parking in the Downtown (designated lots only)	$0.80/hr - $1.60/hr	$ 0.00 (Thursday & Friday evenings & all day Saturday)
Parking Requirements Residential	0.8 spaces per class A dwelling unit	0 spaces for renovations/conversions 0 spaces for new construction
Lot Area Requirements for Multiple Dwellings in "I" Districts	"I" District - 65m^2 (699.68 square feet) lot area per dwelling unit	gross floor area not to exceed 2.85 times the area of the lot

* Fees are refundable at the time of issuance of a building permit if issued by Sept. 1/99 and the fees are paid for after Aug. 27/96.

SCHEDULE 'C'

PART A: RESTORE THE BUILDING FACADES

Purpose: To transform the public image of the Gore from an ailing inner core into a vibrant, renewed heart of the city through the restoration of its rich and genuinely historic architectural streetscape.

Eligible Work: Restoration of the historic facades includes repointing of masonry, repair or replication of the original cornice, windows, and decorative features such as window lintels, finials, cresting, etc., as well as the removal of unauthentic building facing, in accordance with the basic principles of heritage conservation and building improvement established in the Gore Heritage Design Study, approved by Council and "Guidelines for Heritage Conservation in the Gore".

PART B: IMPROVE THE QUALITY OF THE STOREFRONT DESIGN

Purpose: To attract pedestrians and businesses by making the Gore an animated, lively busy place again. Improve storefronts to make them attractive and appealing and restore original historic storefronts, where feasible.

Eligible Work: Improvement to Storefront Design includes restoring large display windows, repairs to baseboards, transom windows, original columns and entrances, secondary doors, in accordance with the basic principles identified in the Gore Heritage Design Study. Included as eligible costs are the design, production and installation of canopies, in accordance with the established guidelines and any by-law requirements which determine a minimum height, a standard width of projection and traditional location on the front facade.

PART C: IMPROVE THE QUALITY OF THE COMMERCIAL SIGNAGE

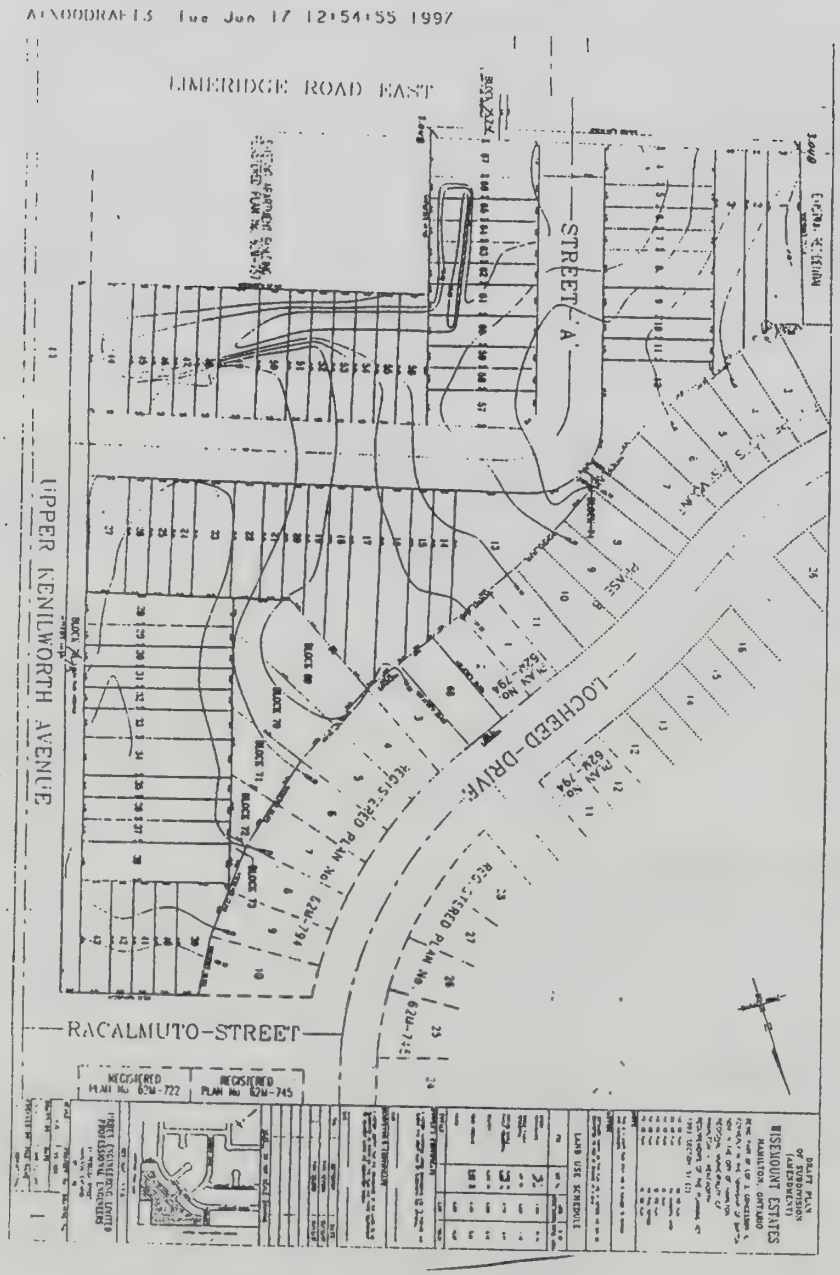
Purpose: To create downtown commercial signage that animates and enlivens the core and at the same time enhances the architectural quality of the buildings. Regain the special character of the Gore by making signs legible and appropriate to their host building and replacing excessively over-sized signage.

Eligible Work: Included in this category are the design, production and installation of commercial signage which is in accordance with the principles of good signage found in the Gore Heritage Design Study and the Signage Guidelines for the Gore. Design of the signage should fit with the character of the host building.

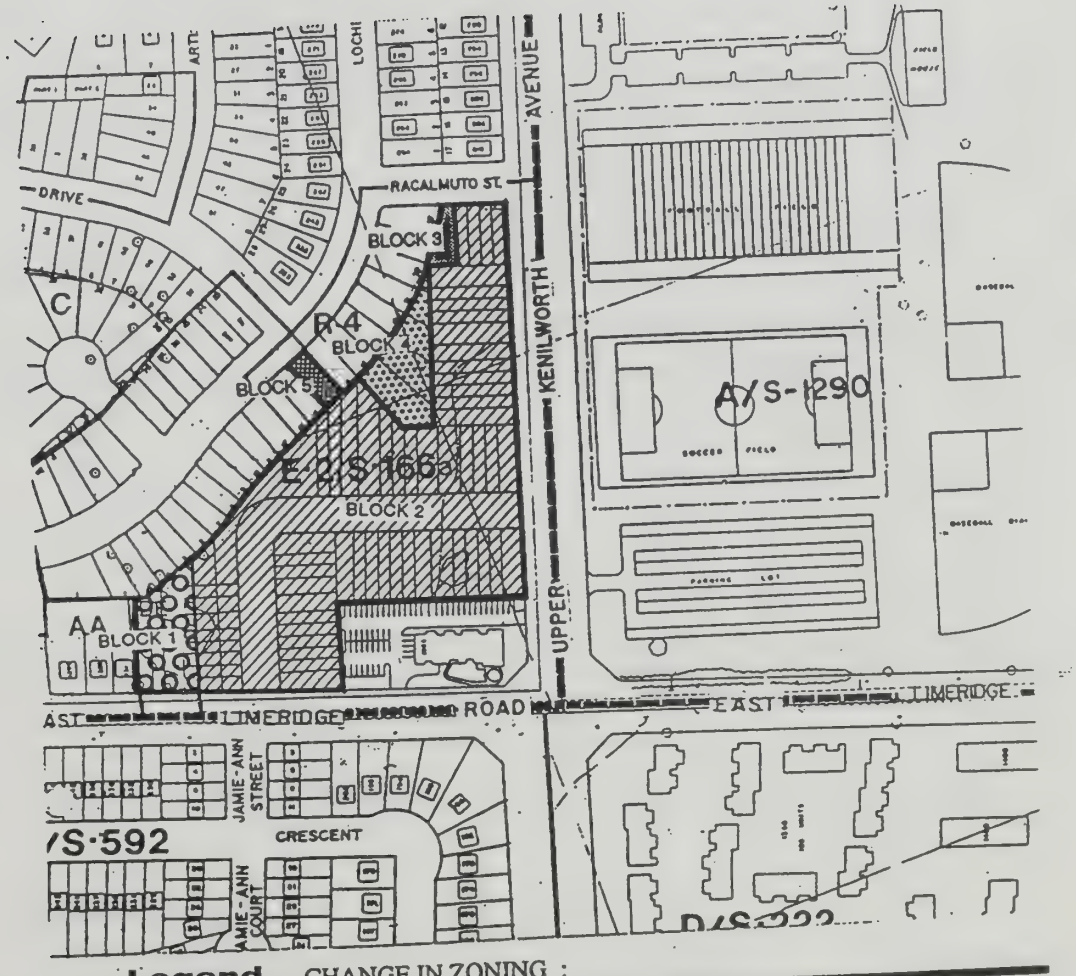
Summary of Terms of the Gore Heritage 2000 Program
A Component of the Restore The Core, Hamilton Downtown Improvement Plan

(a)	Grantor	The Corporation of the City of Hamilton
(b)	Initial Grant Capital	$200,000 City funds
(c)	Type of Program	Matching Grant Program
(c)	Maximum Grant	$20,000 per property
(d)	Eligible Applicants	Owners of a property located within the Gore Area, on King St. East between James St. and Catharine St. which is designated under the Ontario Heritage Act or listed on the Inventory of Buildings of Architectural and/or Historical Interest.
(e)	Purpose of Grant	To create a new image for the Gore through a heritage building facade improvement program. The Gore, by virtue of its economic and social importance to the health, image and sustainability of the City, is considered a top priority of downtown revitalization.
(f)	Realty Taxes	In good standing at all times.
(g)	Eligible Costs	The matching grants can be applied to heritage facade restoration as well as improvement to storefronts and signage, based on the principles established in the Gore Heritage Design Study. More specific information is attached as Schedule A.
(h)	Additional Eligible Programs	The Gore Heritage 2000 Program may be used in conjunction with other funding programs, such as the Hamilton Downtown Convert/Renovat-to-Rent Loan Program, the Commercial Property Improvement Program and the Commercial Heritage Trust Fund.
(h)	Conditions of Grant	The project must be fully described in the application form and the eligible items identified and approved before the work commences. The project must be completed as defined in the application form and to a high standard of craftsmanship. In the event of demolition or removal of the funded improvements within the first five years of awarding the grant, the owner of the property will be responsible for paying the full amount of the grant back to the City.

Appendix "D" referred to in
Section 5 (a)(i) of the Minutes
of the Planning and Development
Committee meeting held 1997 June 18



Appendix "E" referred to in
Section 5 (a)(f) of the Minutes
of the Planning and Development
Committee meeting held 1997 June 18



Legend CHANGE IN ZONING :

BLOCK 1	From "DE-2" (Multiple Dwellings) District, modified to "RT-30" (Street - Townhouse) District modified
BLOCK 2	From "E-2" (Multiple Dwellings) District, modified to "RT-30" (Street - Townhouse) District modified
BLOCK 3	From "E-2" (Multiple Dwellings) District, modified to "RT-30" (Street - Townhouse) District modified
BLOCK 4	From "E-2" (Multiple Dwellings) District, modified to "R-4" (Small Lot Single Family) District
BLOCK 5	From "E-2" (Multiple Dwellings) District, modified to "R-4" (Small Lot Single Family) District

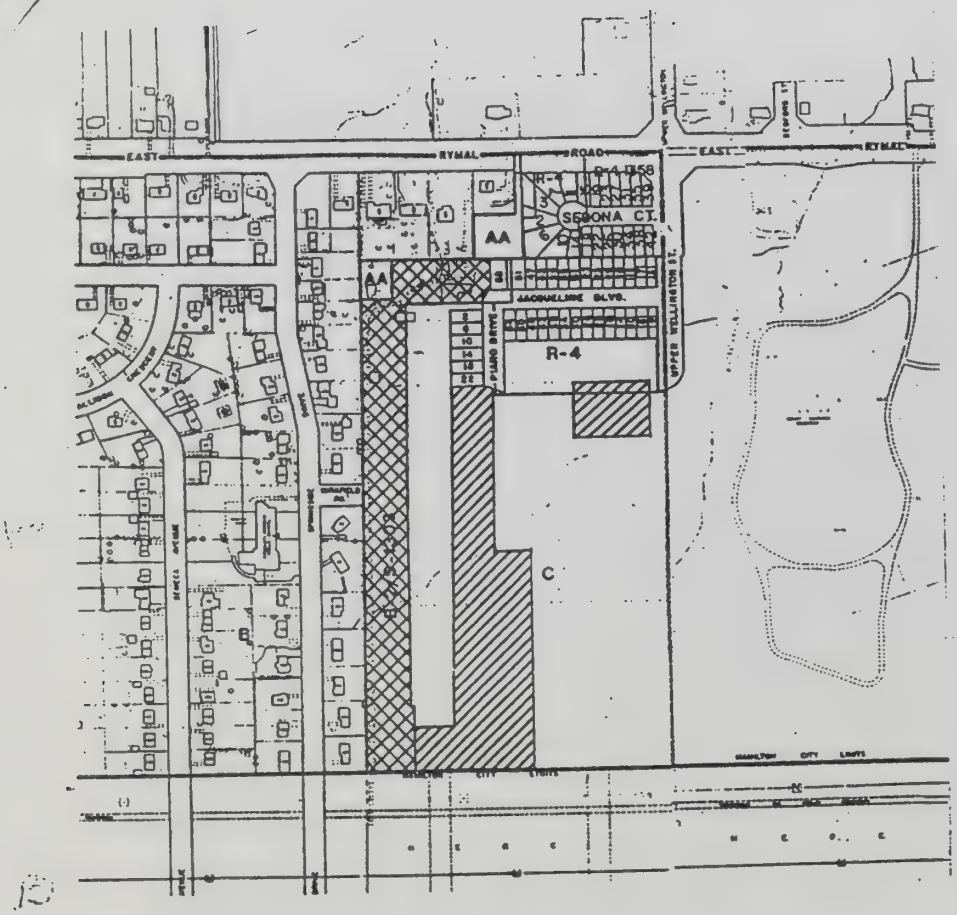
Reference File No.
ZAC-97-07

Drawn By	Date
W. B.	Jun 1997

Scale
Not to Scale

North

Appendix "F" referred to in
Section 5 (b)(a) of the Minutes
of the Planning and Development
Committee meeting held 1997 June 18



Legend

Proposed change in zoning from:

BLOCK 1 — " C " (Urban Protected Residential, etc.) District to " R-4 " (Small Lot Single Family Dwelling) District

BLOCK 2 — Further Modification to " B-2 " (Suburban Residential) District

ZAC-97-05

Ba)

CITY OF HAMILTON

- RECOMMENDATION -

JUN 2 5 1997

DATE: 1997 June 25

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: Ferguson Avenue, Phase One - Barton to Cannon Streets - Planting of Trees.

RECOMMENDATION:

That the Central/Beasley Account Number CF 5000-429102003 be utilized to plant 101 trees abutting Ferguson Avenue between Barton and Cannon Streets, at a total cost of $37,126. including G.S.T. and P.S.T.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are sufficient monies contained within the Central/Beasley Account Number CF 5000-429102003. Ferguson Avenue falls within the boundaries of the Central/Beasley Community Improvement Project Area.

There are no legal or staff implications.

BACKGROUND:

City Council at its meeting held 1994 May 31 approved the implementation of the sidewalks, roadway and lighting components of Phase One of the Ferguson Avenue Master Plan. This portion of the project was brought forward due to the Carter Square residential development and implemented under the Local Improvement Act. Staff applied under the Provincial Government's JobsOntario Program for funding for the landscaping component, however the application was unsuccessful.

City Council subsequently approved the Ferguson Avenue Master Plan in its entirety at its meeting held 1996 October 28. The Capital Budget for the implementation of Phase Two, between King William and Main Streets, received approval of City Council at its meeting held 1997 March 18.

During the intense public participation process for the creation of the Ferguson Avenue Master Plan, one of the five priority elements identified for incorporation into the Plan was the need to "green" the area. The Master Plan addresses this issue through the planting of trees along the entire corridor.

Ferguson Avenue falls within the Central/Beasley Community Improvement Project Area and, sufficient funds remain within the project's account to cover the cost of the planting of 101 trees.

DL:HM:hm
P&DFerg.Trees

c.c. Brian Hill, Treasury Department
Erik Hess, Public Works and Traffic Department

B61

CITY OF HAMILTON

- RECOMMENDATION -

JUN 2 5 1997

DATE: 1997 June 25

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: Ninth Annual Public Service Announcement (P.S.A.) Competition - Award of Prizes.

RECOMMENDATION:

a) That the following prizes be awarded to Mohawk College broadcasting students for their submissions in the Ninth Annual Public Service Announcement competition:

First Prize: Adam Hunter
Second Prize: Kerry Sue Blanchenot
Third Prize: Jamie Sparks

b) That funds be provided from Phase IV of the Downtown Action Plan for the first prize at $600.00, second prize at $400.00, and third prize at $200. and a donation to Mohawk College Media Studies Department of $1,300. for development of the videos and use of the equipment.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funds are available in Phase IV of the Downtown Action Plan Account Number CF 5698-428803006.

BACKGROUND:

City Council at its meeting held 1997 February 11 approved the Ninth Annual Public Service Announcement Competition at a total cost of $2,500. to be funded from the Downtown Action Plan, Phase IV.

In co-operation with Mohawk College's Media Studies Department, the Keep Hamilton Clean Committee and ON-TV, the City of Hamilton has been holding an Annual Public Service Announcement competition for the students of the Media Studies Program for the past nine years. The theme for the Public Service Announcement is to keep Hamilton clean. Previous years winning submissions have been aired free of charge on ON-TV on a regular basis. A strong partnership between the City of Hamilton, Mohawk College, ON-TV and the Keep Hamilton Clean Committee has proven a successful tool in providing the public with the message to keep our City clean.

DL:HM:hm

c.c. K. Wallis, Mohawk College, Media Studies Department
D. Heintz, Public Works and Traffic Department

P&DPSA.Award

CITY OF HAMILTON

- RECOMMENDATION -

Bc)

JUN 2 [illegible] 1997

DATE: 1997 June 24

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works & Traffic

SUBJECT: Ottawa Street Business Improvement Area (B.I.A.)
Revised Board of Management -1997-

RECOMMENDATION:

(a) That Schedule'B' of By-law No.97-010 appointing the Ottawa Street B.I.A. Board of Management be repealed and the following names substituted:

Gord Culshaw	**Culshaw Cakes**
John Driscoll	**Ottawa Market and Discount Center**
John Gut	**Textile Centre**
Tony Bifano	**Anton Video**
Greta Munt	**Greta's Flair**
Rosemary Young	**Wentworth Paints**
Daniel Kwiatkowski	**Beach Road Meats**
Toby Yull	**Toby's Interior Design**
John Bazinet	**L. G. Wallace Funeral Home**

(b) That the City Solicitor be authorized and directed to amend By-law No.97-010 pursuant to (a) above

C Lutt-England
for D. Lobo

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

A meeting was held to ratify the interim Board of Management on 1997 June 11.

JP:jp
p&d\bmottawa.97

c.c. P. Noé-Johnson, City Solicitor, Law Department
Att: A. Zuidema, Solicitor

G. Culshaw, Chairman
Ottawa Street B.I.A.

(a)

CITY OF HAMILTON

- RECOMMENDATION -

JUN 23 1997

DATE: 1997 June 19

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Commercial Property Improvement Loan Program (CPILP)
304 Barton Street East (97.2.4.2.1.A, 97.2.14)

RECOMMENDATION:

(a) (i) That a secured loan in the amount of sixty-five thousand dollars ($65,000) to Stanley and Elise Lam, for improvements to 304 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of twenty-five thousand dollars ($25,000) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,

(b) (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of ten thousand dollars ($10,000) to Stanley and Elise Lam for improvements to 304 Barton Street East be approved, subject to fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of five thousand dollars ($5,000) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

.../2

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owners of 304 Barton Street East have applied for assistance under the City of Hamilton's Commercial Property Improvement Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 94-185 and the necessary repairs have been included in the cost of repairs.

The Barton General Business Improvement Area (B.I.A.) has approved the work which is to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Building Department, therefore, recommends the approval of the following loan and grant to the applicant for improvements to 304 Barton Street East:

a. $65,000 loan amortized over ten years at 2.38 per cent interest; Grant portion $25,000; Security: promissory note and lien. Monthly payments $608.72.

b. $10,000 loan amortized over ten years at 2.38 per cent interest. Grant portion $5,000. Security: no security other than promissory note. Monthly payments $93.65.

A lien for $65,000 will be registered on title.

LCK/MM/dk

c.c. R. Camani, Treasury Department
D. Clarke, Building Department
D. Powers, Law Department

(c b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 June 17 JUN 2 3 1997

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Commercial Property Improvement Loan Program (CPILP)
353 Barton Street East (97.2.4.2.1.A, 97.2.14)

RECOMMENDATION:

(a) That a secured loan in the amount of seventeen thousand, seven hundred and sixty-three dollars ($17,763) to Octavio and Mirella Raposo, for improvements to 353 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(b) That a grant from the Barton Street Revitalization Fund in the amount of eight thousand, eight hundred and eighty-one dollars ($8,881) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owners of 353 Barton Street East have applied for assistance under the City of Hamilton's Commercial Property Improvement Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 94-185 and the necessary repairs have been included in the cost of repairs.

The Barton General Business Improvement Area (B.I.A.) has approved the work which is to be undertaken by the owner.

.../2

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Building Department, therefore, recommends the approval of a $17,763 loan amortized over ten years at 2.38 per cent interest; Grant portion $8,881; Security: promissory note and lien. Monthly payments $166.35.

A lien for $17,763 will be registered on title in second place to a mortgage of $55,565 in favour of CIBC.

LCK/MM/dk

c.c. R. Camani, Treasury Department
D. Clarke, Building Department
D. Powers, Law Department

(c)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 June 19 JUN 2 3 1997

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
216 Grenfell Street (97.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, seven hundred and fifty four dollars ($1,754) be approved for Josephine Siemaszko, 216 Grenfell Street. The interest rate will be 2 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of $2,000 could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Josephine Siemaszko, 216 Grenfell Street in the amount of $1,754. The roof has been repaired, and the Department recommends approval in the amount of $1,754 at 2% interest and amortized over five (5) years.

LCK/MM/dk

c.c. R. Camani, Treasury

Cd)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 June 23 JUN 2 4 1997

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P.Eng.
Building Commissioner

SUBJECT: Retaining Walls
Hamilton Rehabilitation Assistance Program (97.2.4.2.1.A)

RECOMMENDATION:

(a) That the balance of funds of $46,227 remaining from the $120,000 allocated for the Hamilton Rehabilitation Assistance Program (HARP) - Retaining Wall Program for the Green Cedar/Firenze area, be utilized on a first come first served basis, for applications that may arise outside the Green Cedar/Firenze area; and,

(b) That an increased allocation of funds for the Retaining Wall Program be referred to the Capital Budget Sub-Committee for consideration in the 1998 Capital Budget.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

City Council at its meeting of 1995 July 11 approved a city-wide Retaining Wall Loan Program under By-law 78-113. However, funding of $120,000 was confined specifically to address the need in the Green Cedar/Firenze area of the mountain. A further stipulation was that all work was to be completed by 1996 September 1. A total of $73,773 was utilized in such manner leaving a balance of $46,227.

Lately, the Building Department has received new requests for assistance outside the Green Cedar/Firenze area. Staff are seeking approval to utilize the balance for these requests, on a first come first served basis. There is potential that further requests will come forward and this will require additional capital funding. The Department is, therefore, also recommending that an increased allocation of funds for the Retaining Wall Program be referred to the Capital Budget Sub-Committee for consideration in the 1998 Capital Budget.

The Program offers loans of up to $20,000 per applicant at 3% for the first five years, and then at prime for the remaining two terms of 5 years each.

LCK/MM/dk

CITY OF HAMILTON

(e)

- RECOMMENDATION -

JUN 2 4 1997

DATE: 1997 June 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Hamilton Community Heritage Fund (97.2.4.2.1.A)

RECOMMENDATION:

(a) That the Hamilton Community Heritage Fund Program be amended to reduce the interest rate from half of prime in the first five years; and prime for the second term of five years; to 2% for a single term of ten years; and,

(b) The City Solicitor be directed to amend By-law 85-120 so as to reflect these changes.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

A reduction in financial administration costs will result from a simplified loan term.

BACKGROUND:

As part of an on-going loans review which staff proposed to Planning and Development Committee in 1996, staff have assessed the Hamilton Community Heritage Fund Program. This program was created in 1985 with a contribution from the Province of Ontario of $250,000, and a municipal contribution of $191,666.67. Currently, the Hamilton Community Heritage Fund has a balance of $401,287.66 which is available for new applications. Under the terms of this arrangement, a Heritage Trust Fund was established to provide low interest loans to owners of properties designated under the Ontario Heritage Act. This program was utilized in concert with another Provincial Program known as the Designated Property Grant Program. As such, the combination was attractive enough that a number of properties were restored. Since 1995 when the grant program was terminated by the Province, there have been no applications. Feedback is that this program is very necessary but not sufficiently attractive.

In view of the need to better utilize this program and restore designated buildings in Hamilton, especially in our downtown core, staff recommend a more economical loan rate and term. Additionally, staff will commence a marketing campaign initially to be targeted in the downtown core.

LCK/MM/dk
c.c. R. Camani, Treasury Department
D. Powers, Law Department
L.A.C.A.C.

(CF)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 June 20 JUN 2 3 1997

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
99 RYMAL ROAD EAST - Tag Number 10911
(97.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 99 Rymal Road East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: AA

PRESENT USE: Single Family Dwelling

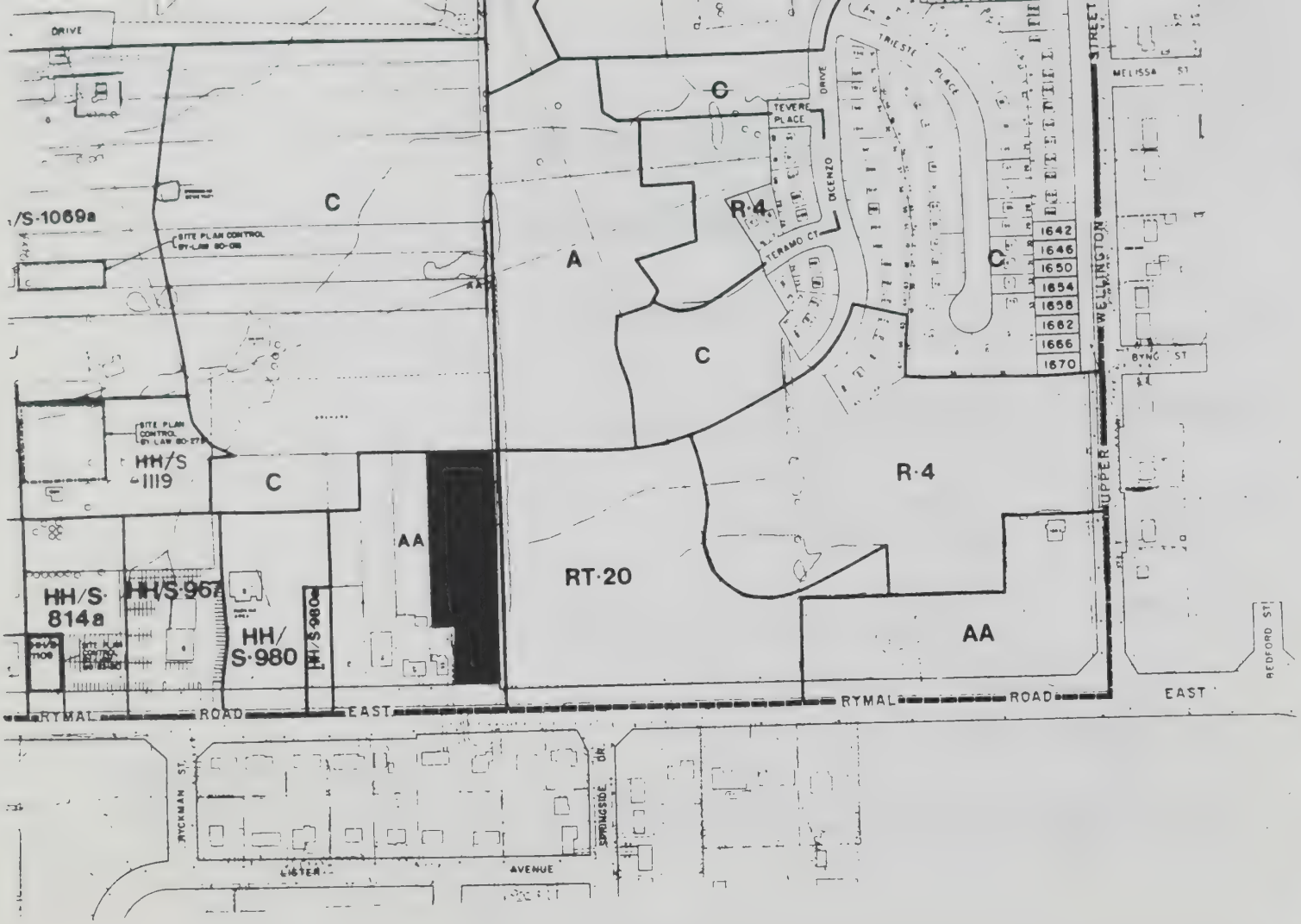
PROPOSED USE: Vacant Land

BRIEF DESCRIPTION: The owner wishes to demolish the existing two storey brick veneer and wood frame single family dwelling. The dwelling is located in the RYCKMANS Neighbourhood (please see attached neighbourhood map). There have been no recent applications for a zoning change, subdivision agreement and no applications have been submitted to the Committee of Adjustment. No LACAC interest. Lot size 123.00' x 2.25 acres.

The owner of the property and applicant as per the demolition permit is:

DiCenzo Construction Company Limited
2-205 Quigley Road
Hamilton, Ontario

FP/zr



SUBJECT PROPERTY
99 RYMAL RD EAST

86 82 33 101 119 8 83 6 24 This is not a Legal Document For Zoning Verification Please Contact City Building Department.	CITY OF HAMILTON **RYCKMANS** **ZONING**
Neighbourhood Boundary Zoning Boundary	0 100m SCALE 50m
Prepared for The City of Hamilton by the Planning and Development Department	PLANNING UNIT NO. 7508

Cg)

CITY OF HAMILTON

- RECOMMENDATION -

JUN 2 3 1997

DATE: 1997 June 20

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
75 TRAGINA AVENUE SOUTH - Tag Number 10842
(97.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 75 Tragina Avenue South in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: The owner wishes to demolish the deteriorated one storey protected frame single family dwelling and replace it with a new single family dwelling. The dwelling is located in the BARTONVILLE COURT Neighbourhood (please see attached neighbourhood map). As of today's date, there is no application in for the Committee of Adjustment. No LACAC interest. Lot size 30.00' x 100.00'.

The owner of the property and applicant as per the demolition permit is:

Homes by Oakbrook
355 East 23rd Street
Hamilton, Ontario L8V 2X5

FP/zr

SUBJECT PROPERTY
75 TRAGINA AVE SOUTH



Da)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 June 23
ZAR 97-25
Bruleville Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, R.P.P., M.C.I.P.
Director of Planning and Development

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECTS: Request for Removal of a Holding Provision - 852 Upper Wentworth Street

RECOMMENDATIONS:

a) That approval be given to Zoning Application ZAR 97-25, Nicola Clarizio, owner, requesting removal of the 'H' - Holding provision under Section 36 of the Planning Act to permit commercial development, for property located at No. 852 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A". The 'H' - Holding provision was placed on the subject lands until such time as the applicant\owner applies for and receives approval of a Site Plan Control application.

b) That the Director of Planning be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law No. 95-111, and Zoning District Map E-18, in a form satisfactory to the City Solicitor, for presentation to City Council.

V. Abraham J. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Zoning By-law No. 95-111

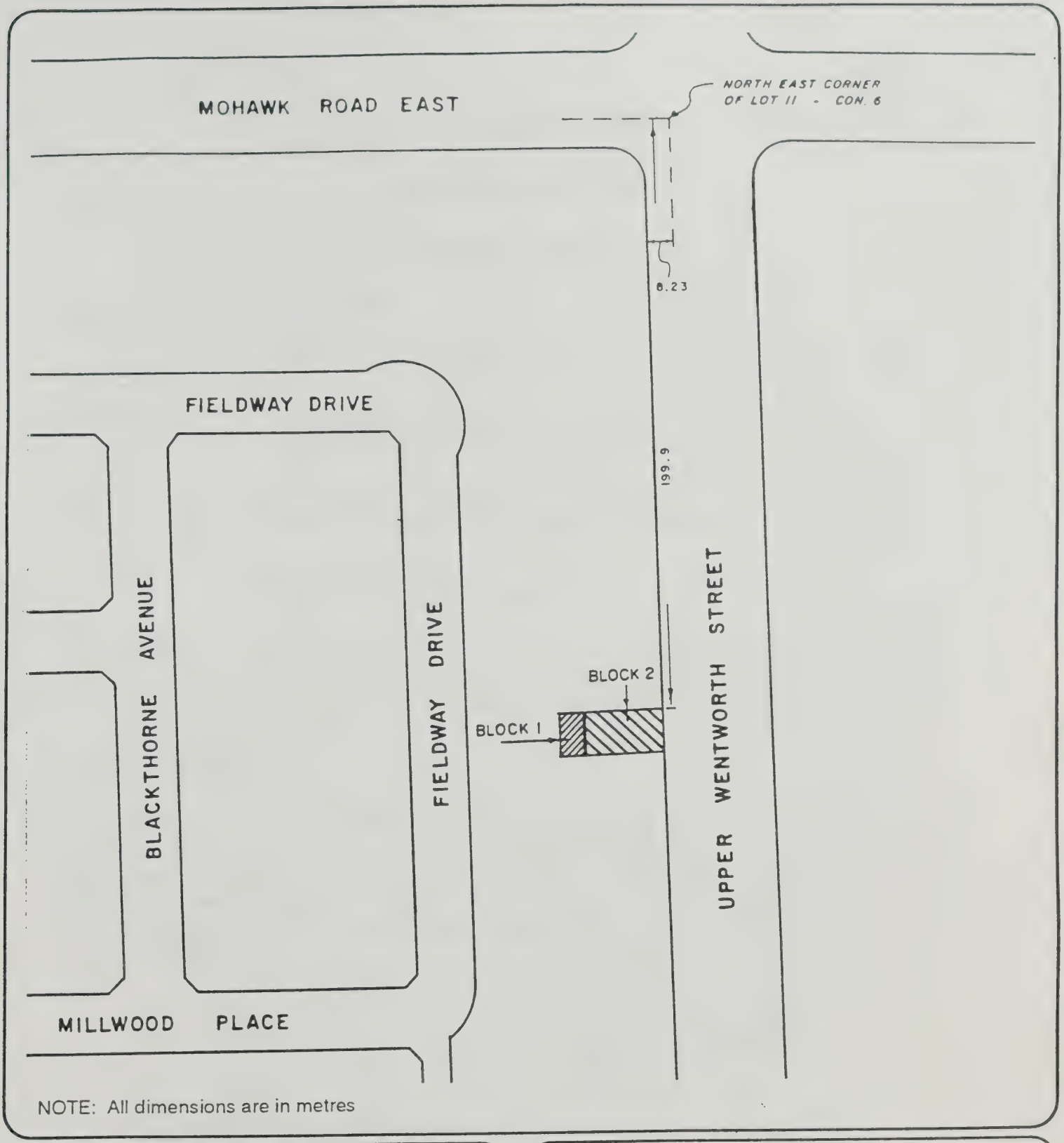
On January 10, 1995, Council approved Zoning Application 94-26, for a rezoning from "C (Urban Protected Residential, etc.) District and "AA" (Agricultural) District to "C" (Urban Protected Residential etc.) District, modified, for the subject lands. The lands are intended to be developed for general offices and a showroom for kitchen cabinets on the first and second floor and a dwelling unit on the second floor. The removal of the Holding provision is subject to approval of a Site Plan. The modifications to the "C" District regulations include variances respecting signage, maximum floor area (95 m^2) of the commercial use and the provision of landscaping and a visual barrier.

On May 8, 1997, Site Plan Control agreement was registered. In this regard, the condition of the 'H' holding provision has been met.

CONCLUSION:

On the basis the appropriate Site Plan has been approved and finalized, it is appropriate to remove the 'H' - Holding symbol from the subject lands.

JHE
c:\zoning\zar9725.rpt



NOTE: All dimensions are in metres

City of Hamilton

APPENDIX "A"

to By-Law No. 97-.....

Planning and Development Department

Legend

BLOCK 1

BLOCK 2

Lands to be regulated by By-law No. 97

North	Scale	Reference File No.
	NOT TO SCALE	ZAR-97-25
	Date	Drawn By
	JUNE 97	R.L.

06)

CITY OF HAMILTON

- RECOMMENDATION -

Second Report

DATE:	June 17, 1997 DA-93-05 Kirkendall North Neighbourhood
REPORT TO:	Tina Agnello, Secretary Planning and Development Committee
FROM:	Mr. V. J. Abraham, M.C.I.P., R.P.P. Director, Planning and Development Department Mr. J. Pavelka, P.Eng. Chief Administrative Officer
SUBJECT:	Request for a further extension of the approval of Site Plan Control Application DA-93-05 for a commercial building at Nos. 139 - 147 Locke Street South.

RECOMMENDATION:

That approval be given to Wentworth Construction Planning on behalf of the owner Citslap Industries Plastics Limited, for a further extension of the approval of Site Plan Control Application DA-93-05 to January 7, 1998, for 139-147 Locke Street South, with appropriate agreement registered on title to recognize the extension, and that at the end of this period if a Building Permit has not been issued, the proposed development will be subject to a new Site Plan Control Application.

BACKGROUND:

The applicant has requested that the above-mentioned registered agreement be further extended to an indefinite time period. The applicant maintains that the project has not proceeded due to the poor economy, the limited uses permitted under ZA 92-43, length of time to process approvals and doubling of construction costs.

The plans of Site Plan Control Application DA-93-05 were originally approved on May 5, 1993 and the agreement subsequently registered on June 7, 1994 as Instrument No.185656. The applicant had previously requested an extension to the registered agreement which was approved by Committee October 2, 1996 and City Council on October 8, 1996, which indicated that

approval of the Site Plan Control Application DA-93-05 has been extended to June 7, 1997, conditional upon an appropriate agreement being registered on title to land.

It should be noted that Council's practice has been to grant a maximum of one (1) year extension to existing registered agreements.

RESULTS OF CIRCULATION:

The Building Department has verbally advised that no building permit has been applied for yet.

The Regional Environment Department has verbally advised that they have no comment.

The Traffic Division of the Department of Public Works and Traffic has verbally advised that they have no objection to the proposed extension.

The Law Department has indicated that an amending agreement must be prepared and registered to reflect the additional time.

COMMENTS:

Under By-law No. 87-150, Section 3 indicates that where no facilities or works have been provided in whole or in part or where a building permit has not been issued within two years from the date of approval of the plans and drawings, the approval shall cease. In addition the registered Site Plan Agreement indicates in Clause 10 that the Agreement shall cease and terminate upon expiry of "two years from the date of registration of this Agreement in the event that a building permit has not been issued to the Owner within the two years; (a request for an extension to this time limit may be requested in writing from the City Building Commissioner;)".

CONCLUSION:

The applicants request for an indefinite extension to the time period for completion of works cannot be supported given City Council's current policy and practice regarding extension to approved Site Plan Control Application. Furthermore, planning and development initiatives will change over time requiring new policies and regulations to be implemented.

Thus, given that an earlier extension was granted and that a building permit has not been initiated, it is recommended that a six (6) month extension be considered, with the appropriate agreement registered on title to recognize the extension, and that at the end of this period if a Building Permit has not been issued, the proposed development will be subject to a new Site Plan Control Application and any new applicable regulations and policies. An amending Site Plan Agreement is required to be prepared and registered on title of the land to recognize the extension.

Since the time limit is a By-Law regulation, this recommendation must be forwarded to City Council for approval.

JL:DA93-05.exe(June17/97)

CITY OF HAMILTON

Dc)

- RECOMMENDATION -

DATE: 1997 June 24
(PLC-97-01)
Eleanor Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Application to Remove Part-Lot Control
for Block 19, "Eaglewood Manor" Subdivision

RECOMMENDATION:

a) That approval be given to Part Lot Control Application 97-01, **456941 Ontario Ltd., owner**, to remove part-lot control for Block 19, located in "Eaglewood Manor", to permit the subdivision of Block 19 into 3 lots, as shown on the attached map marked as APPENDIX "A";

b) That the attached by-law, marked as APPENDIX "C", to remove part lot control from Block 19, Registered Plan 62M-622, "Eaglewood Manor" plan of subdivision, be enacted by Council;

c) That the exempting by-law be restricted to a 1 year effective time period to expire on July 15, 1998;

d) That the exempting by-law not be forwarded to Council for adoption until such time as the following conditions have been satisfied:

(i) the Owner has paid all outstanding servicing costs to the City of Hamilton and the Regional Municipality of Hamilton-Wentworth to the satisfaction of the Commissioner of the Regional Environment Department prior to the lifting of the 0.30 metre reserve, Block 39, Plan 62M-806.

(ii) The Owner submit a Lot Grading Plan, prepared by a qualified Professional Consulting Engineer, for the Lots being created and enter into a Lot Grading Agreement with the City of Hamilton prior to the issuance of Building Permits to the satisfaction of the Commissioner of the Building Department.

(iii) Development of the proposed lots be subject to the roadway connecting Gagliano Drive and Bolzano Drive being established and constructed to its full width.

e) That following the enactment of this by-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The applicant, 456941 Ontario Inc. (Paul Silvestri, owner), is proposing to subdivide Block 19, Registered Plan 62M-622 into 3 lots for single family dwellings. The lot widths will be 12.8 m (2 lots shown as Parts 1 and 2 on APPENDIX "B") and 15.3 m (1 lot shown as Part 3 on APPENDIX "B").

Location

The lands are located north of Gagliano Drive and west of Eaglewood Drive and front onto Bolzano Drive (which is currently under construction) in the Eleanor Neighbourhood. (See APPENDICES "A" and "B")

CIRCULATION COMMENTS:

- The Building Department advised:

  "1. The 0.30m reserve must be incorporated into the road allowance (Bolzano Drive) prior to Building Permit issuance.

  2. Registered Plan 62M-622 is known as "Eaglewood Manor" not "Gagliano Gardens".

- The Traffic Division, Department of Public Works and Traffic advised:

  "We recommend that the elevation of the required parking for each single family dwelling must be a minimum of .25 of a metre above the centre line if the future north/south street to the west of the subject property and the slope of the driveway for each single family dwelling not exceed 7% on private property. This information should be shown on the required lot grading plans.

  In addition, we recommend that the development of these lots be subject to the roadway connecting Gagliano Drive and Bolzano Drive being established and constructed to its full width."

- The Regional Environment Division advised:

"Recommendations:

1. The Owner must pay all outstanding servicing costs to the City of Hamilton and the Regional Municipality of Hamilton-Wentworth to the satisfaction of the Commissioner of the Regional Environment Department prior to the lifting of the 0.30 metre reserve, Block 39, Plan 62M-806.

2. The owner submit a Lot Grading Plan, prepared by a qualified Professional Consulting Engineer, for the Lots being created and enter into a Lot Grading Agreement with the City of Hamilton prior to the issuance of Building Permits to the satisfaction of the Commissioner of the Building Department.

Information:

1. Under the development of Gagliano Gardens Addition, Registered plan 62M-806, the owner provided full Municipal services including separate private storm and sanitary services as well as water service connections for the creation of three Lots on the east side of Bolzano Drive. Also under the subdivision agreement for Gagliano Gardens Addition there is a section for "Best Efforts Recovery" in order to recover the servicing costs from 456941 Ontario Ltd. in order to reimburse the developer who installed the underground services adjacent to the reserve, Block 39, 62M-806.

2. The installation of above-ground services along Bolzano Drive is currently under construction and will provide full access to the three Lots from Bolzano Drive in the near future. Under the City Subdivision Agreement for Eaglewood Manor, the City currently has securities deposited for the construction of one half of Bolzano Drive adjacent to Block 19, Plan 62M-622, The City of Hamilton is cost sharing for the installation of the above-ground services constructed under Gagliano Gardens Addition and will recover servicing costs based on the current flat rate fee for the full frontage of Block 19, Plan 62M-622.

The submitted plan, as prepared by B.J. Clarke, O.L.S. of A.J. Clarke and Associates Limited is satisfactory to the Regional Environment Department, subject to the above comments and recommendations."

COMMENTS:

1. Removal of "part-lot" control is a mechanism provided for under the Planning Act to permit minor division of land. This provision eliminates the need to obtain the approval by the Committee of Adjustment for each individual parcel of land, thereby reducing the

overall administrative process required to obtain the same objective. The mechanism is exercised by municipalities by registering a by-law in the Land Titles offices. Part lot control can only be used for lands within a registered plan of subdivision. In addition, Section 50(7.3) of the Planning Act, allows for an expiration date to be described in the part-lot control by-law, thereby eliminating the need to repeal said by-law. Under Section 50(7.4), Council may grant an extension before the expiration of the By-law if needed without the approval of the Minister. In this regard, the exempting by-law should be restricted to a 1 year effective time period.

2. The proposal to create three lots for single family dwellings. Two lots will be 12.8m wide by 29.7 m deep. The third lot will be 15.4 m wide by 29.7 m deep. The subject lands are zoned "R-4" (Small Lot Single Family) District (Parts 1 and 2) and "C" (Urban Protected Residential, etc.) District (Part 3). The lots comply with the requirements of the Zoning By-law.

3. The Regional Environment Department has advised that as a condition of approval the applicant/owner be required to pay all outstanding servicing costs and submit a Lot Grading Plan. The applicant has agreed to these conditions.

4. The Traffic Division has recommended that the elevation of the required parking for each single family dwelling must be a minimum of .25 of a metre above the centre line of the future street and that the slope of the driveway for each single family dwelling not exceed 7% on private property.

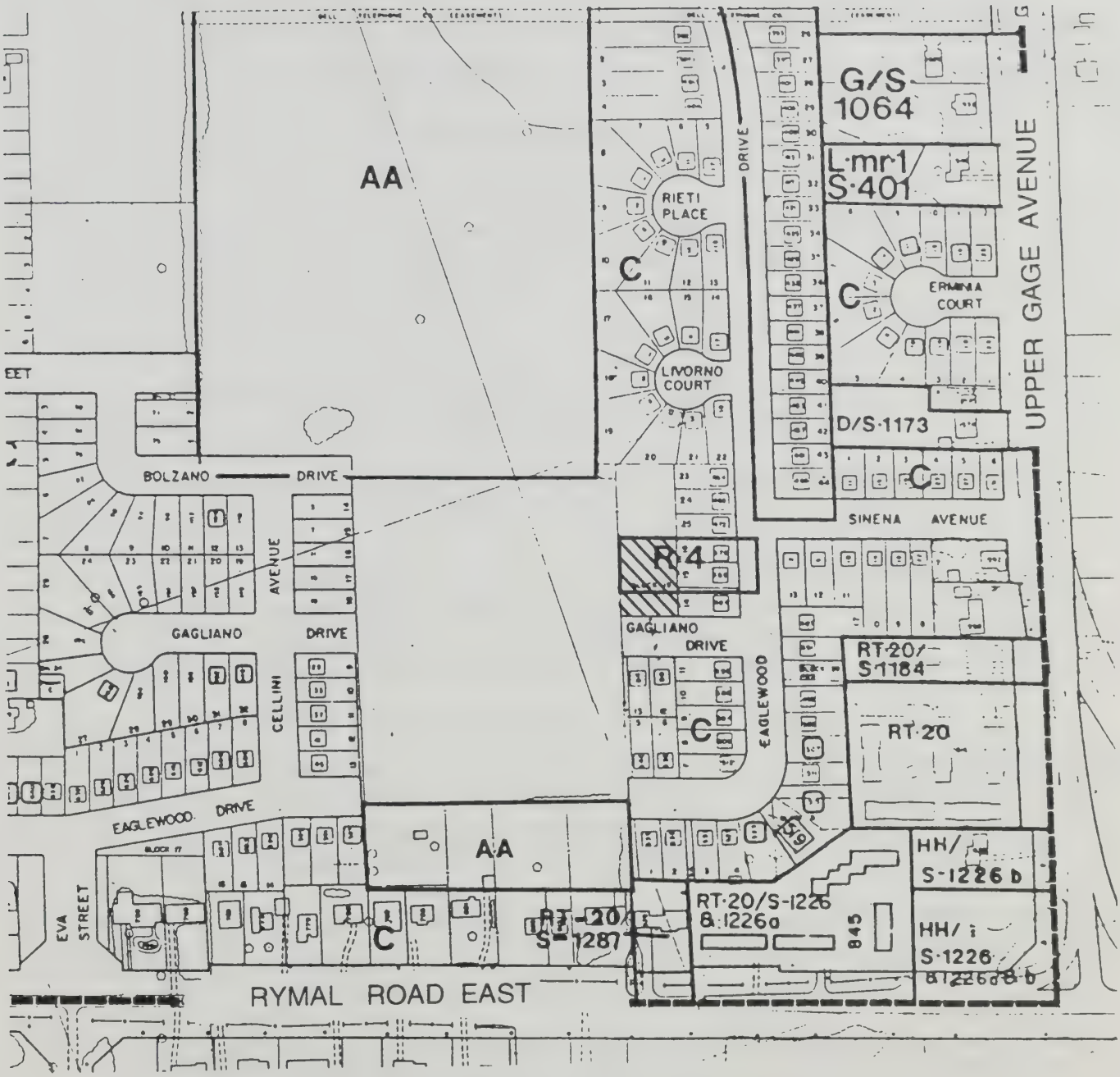
   Under the provisions of By-law No. 97-112, which was passed by Council on May 27, 1997, requires that for every single family dwelling with an attached garage the finished level of the garage floor shall be a minimum of 0.3 metres above grade. In addition, prior to the issuance of a Building Permit, the owner will be required to submit a Lot Grading Plan and enter into a Lot Grading Agreement. The maximum grade on private property is 7%. As such, the Traffic Division's recommendations can be addressed through the Zoning By-law and Lot Grading Plan.

5. The attached by-law to remove "part-lot" control has been prepared in a form satisfactory to the City Solicitor.

CONCLUSION:

Based on the foregoing, the request to remove part-lot control can be supported.

SR/sr
PLC97-01.rpt



Legend

Site of the Application

PLC-97-01

APPENDIX "A

PLAN OF SURVEY OF
BLOCK 19 – EAGLEWOOD MANOR
REGISTERED PLAN No 62M-622
AND
BLOCK 39 – GAGLIANO GARDENS ADDITION
REGISTERED PLAN No 62M-
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH
SCALE 1:250
0 5 10 metres

B. J. CLARKE O.L.S.
1997

SCHEDULE			
PART	BLOCK	REGD PLAN	P I N
1			
2	19	62M-622	ALL OF 16223 - 0249
3			
4			
5	39	62M-	ALL OF
6			



REG'D. PLAN No 62M--
LOT 30
REG'D. PLAN
LOT
N 70°54'30"W
0.30
SIB (912) (WIT)
29.76 N 70°54'30"W
SIB (912)
BOLZANO DRIVE
BLOCK 39
PART 6
PART 1
PART 5
PART 2
PART 4
PART 3
BLOCK 19
12.80
12.80
12.80
12.80
12.80
12.80
12.90
0.30
30.12 N 70°54'30"W
23.82
IB (912)
N 16°48'10"E
40.97
40.97
N 16°48'10"E
0.30
30.18 N 70°54'30"W
29.88
IB (912)
N 16°32'30"E
40.79
15.37
15.37
15.19
SIB (912) (WIT)
0.30
N 71°15'50"W
29.94 N 71°15'50"W
IB (912)
REG'D. PLAN No 62M-622
REGISTERED PLAN
LOT
LOT
LOT
LOT
BLOCK 32
GAGLIANO DRIVE

BEARINGS ARE ASTRONOMIC AND REFERRED TO THE WESTERN LIMIT OF BLOCK 19 AS SHOWN ON PLAN 62M-622 HAVING A BEARING OF N 16° 48' 10" E

METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND:
SIB THUS □ DENOTES A SURVEY MONUMENT PLANTED
SIB THUS ■ DENOTES A SURVEY MONUMENT FOUND
IB DENOTES IRON BAR
SIB DENOTES STANDARD IRON BAR
(912) DENOTES A. J. CLARKE O. L. S.
(WIT) DENOTES WITNESS

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT

1 THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER

2 THE SURVEY WAS COMPLETED ON THE DAY OF MAY 1997

DATE

B J Clarke
B. J. CLARKE
ONTARIO LAND SURVEYOR

N:\JOBS\62M\622\BLA19\REF\REF1-MT.DWG

APPENDIX "B"

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 97—

To Remove
Land within the "Eaglewood Manor" Subdivision, Plan 62M-622
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control. --** Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law. --** A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval. --** An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law. --** A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period. --** The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal. --** The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton–Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purposes of creating two lots having a minimum width of 12.0 m and a third lot having a minimum width of 15.0 m shall not apply to the following lands:

   Block 19 within Registered Plan Number 62M-622, in the City of Hamilton, Regional Municipality of Hamilton–Wentworth.

2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton–Wentworth.

   (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

   (c) This By-law shall expire on July 15, 1998.

PASSED this day of A.D. 1997.

City Clerk Mayor

D d)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: June 23 1997
CDM-97-04
Randall Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Draft Plan of Condominium by 712169 Ontario Limited (Homes by Malatesta) "Gage Hill" - 1232 Upper Gage Avenue

RECOMMENDATION:

(a) That approval be given to application CDM-97-04 (Regional File 25CDM-97005), 712169 Ontario Limited (Gino Malatesta), owner, to establish a draft plan of condominium "Gage Hill", located south of the Red Hill Creek Expressway, on the west side of Upper Gage Avenue and known municipally as 1232 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A", subject to the following conditions:

i) That this approval apply to the plan prepared by A.J. Clarke and Associates Limited and certified by B.J. Clarke, O.L.S., dated May 8, 1997, showing a total of 7 residential townhouse units, as shown on APPENDIX "B";

ii) That the Final Plan of Condominium be in strict conformity with the Site Plan approved on May 16, 1997, under application DA-97-04;

iii) That the applicant enter into a Site Plan agreement with the City, prior to final approval of the Condominium;

iv) That the Condominium Corporation be required to enter into and register on title, prior to the sale of any unit, an Agreement of the Condominium Corporation to assume and be bound by the Site Plan Agreement, to the satisfaction of the City Solicitor; and,

ix) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton.

(b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

712169 Ontario Limited (Homes by Malatesta), owner.

Surveyor:

B.J. Clarke, O.L.S., A.J. Clarke and Associates Ltd..

Location:

The lands, comprising 2,207.23 m^2, known municipally as 1232 Upper Gage Avenue, are located south of the Red Hill Creek Expressway, on the west side of Upper Gage Avenue (see APPENDIX "A").

Proposal:

The owner is proposing to establish a draft plan of condominium for a 7 single-family townhouse dwellings, as shown on APPENDIX "B".

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan (HWOP). The proposal conforms with the intent of the HWOP.

Hamilton Official Plan:

The subject lands are designated "Residential". The proposal complies with the intent of the City of Hamilton Official Plan.

Neighbourhood Plan:

The subject lands are designated "Attached Housing" in the approved Randall Neighbourhood Plan. The proposal complies with the Neighbourhood Plan.

Zoning:

The subject lands are zoned "RT-20" (Townhouse - Maisonette) District, modified. The proposal complies with the Zoning By-law.

Site Plan:

Plans under application DA-97-04 were on approved May 16, 1997, to permit development of the subject lands for a 7 unit condominium townhouse development. The Site Plan Agreement has not been finalized. The draft plan of condominium conforms with the approved Site Plan.

COMMENTS FROM CIRCULATION:

The Department of Public Works and Traffic advised that:

> "The application to establish a draft plan of condominium is satisfactory subject to the applicant obtaining the required Driveway Approach Approval for the access to Upper Gage Avenue.
>
> The applicant should be advised that the an application must be made to the Traffic Division, Department of Public Works and Traffic for a Driveway Approach Approval, the detailed design of which will be prepared by this Department. A copy of the approved plan must be submitted. These plans should accurately indicate the location of the existing curbs and all street fixtures which may affect the driveway location ie. poles, fire hydrants, trees, etc."

To date, no comments have been received from the Building Department.

The Regional Environment Department advised that:

"INFORMATION

1. A municipal watermain is available and is of sufficient size and capacity to service this development directly from Upper Gage Avenue.

2. Municipal storm and sanitary sewers are available on Upper Gage Avenue and are of sufficient size and capacities to service this development.

3. There is a road widening required by the Region along Upper Gage Avenue in connection with this development.

4. There will be no Municipal share of services to be installed within this development.

5. Our office has been advised that Canada Post requires a centralized mailbox panel for the development of this development at this time.

6. The H.S.R. have advised that they find the draft plan satisfactory.

RECOMMENDATIONS:

1. That the owner satisfy all requirement of Site Plan Application DA-97-04 to the satisfaction of the Commissioner of the Regional Environment Department.

The submitted plan as prepared by B.J. Clarke, O.L.S. of A.J. Clarke and Associates Ltd., dated May 8, 1997, is satisfactory to the Regional Environment Department, subject to the above-noted comments and recommendations."

COMMENTS:

1. The proposal complies with the Official Plan and the approved Randall Neighbourhood Plan.

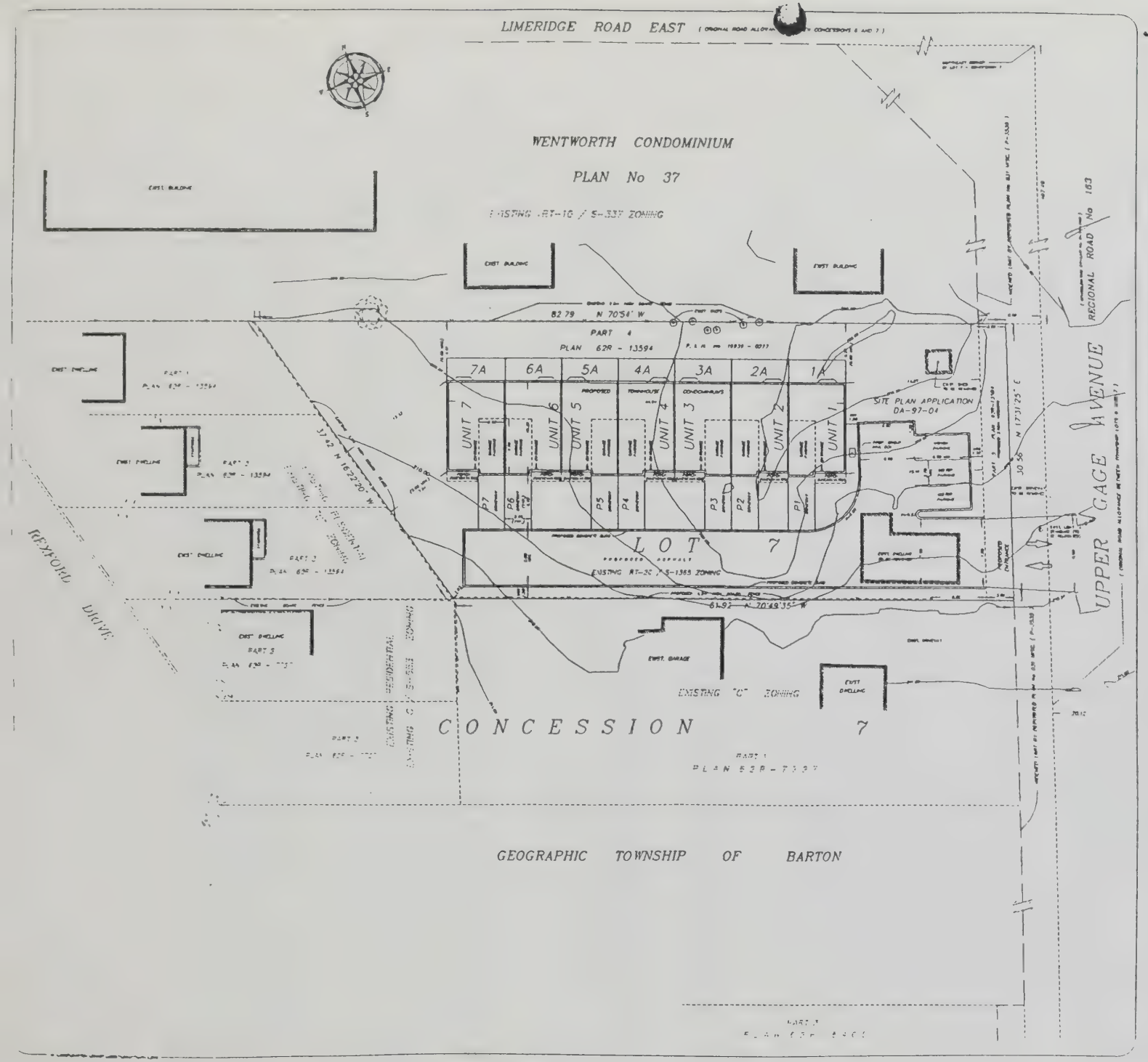
2. The proposal complies with the "RT-20" (Townhouse - Maisonette) District, modified, regulations of the City of Hamilton Zoning By-law.

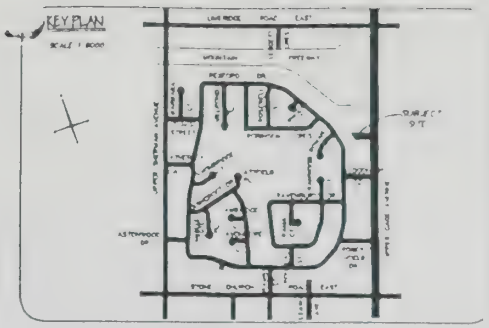
3. Site Plan application DA-97-04 has been approved, however, is not yet registered. Accordingly, the applicant should be required to enter into a Site Plan agreement with the City, prior to final approval of the condominium plan. In addition, the Condominium Corporation should be required to enter into and register on title, prior to the sale of any unit, an Agreement of the Condominium Corporation to assume and be bound by the Site Plan Agreement.

CONCLUSION:

On the basis of the forgoing, the proposed plan of condominium can be supported.

CL-M





DRAFT PLAN OF

"GAGE HILL"

BEING A PROPOSED CONDOMINIUM OF

PART OF LOT 7 – CONCESSION 7

GEOGRAPHIC TOWNSHIP OF BARTON

NOW IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1:200

0 5 10 metres

B J CLARKE O.L.S.

1997

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

RE: CHAPTER P 13 R.S.O. 1990 SECTION 51(2)

THE PLANNING ACT

A SHOWN ON PLAN
B SHOWN ON PLAN
C SHOWN ON PLAN
D SET LAND USE SCHEDULE
E SHOWN ON PLAN
F SHOWN ON PLAN
G SHOWN ON PLAN
H MUNICIPAL PIPED WATER AVAILABLE
I CLAY LOAM
J SHOWN ON PLAN
K ALL MUNICIPAL SERVICES TO BE INSTALLED BY DEVELOPER
L NONE

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

MAY 8, 1997 — DATE

B. J. CLARKE
ONTARIO LAND SURVEYOR

OWNER'S AUTHORIZATION

AS PER 1989 ONTARIO LAW, I, BEING THE REGISTERED OWNER OF THE SUBJECT LANDS HEREBY AUTHORIZE B. J. CLARKE AND ASSOCIATES TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH FOR THEIR APPROVAL.

MAY 8 1997 — DATE

LAND USE SCHEDULE

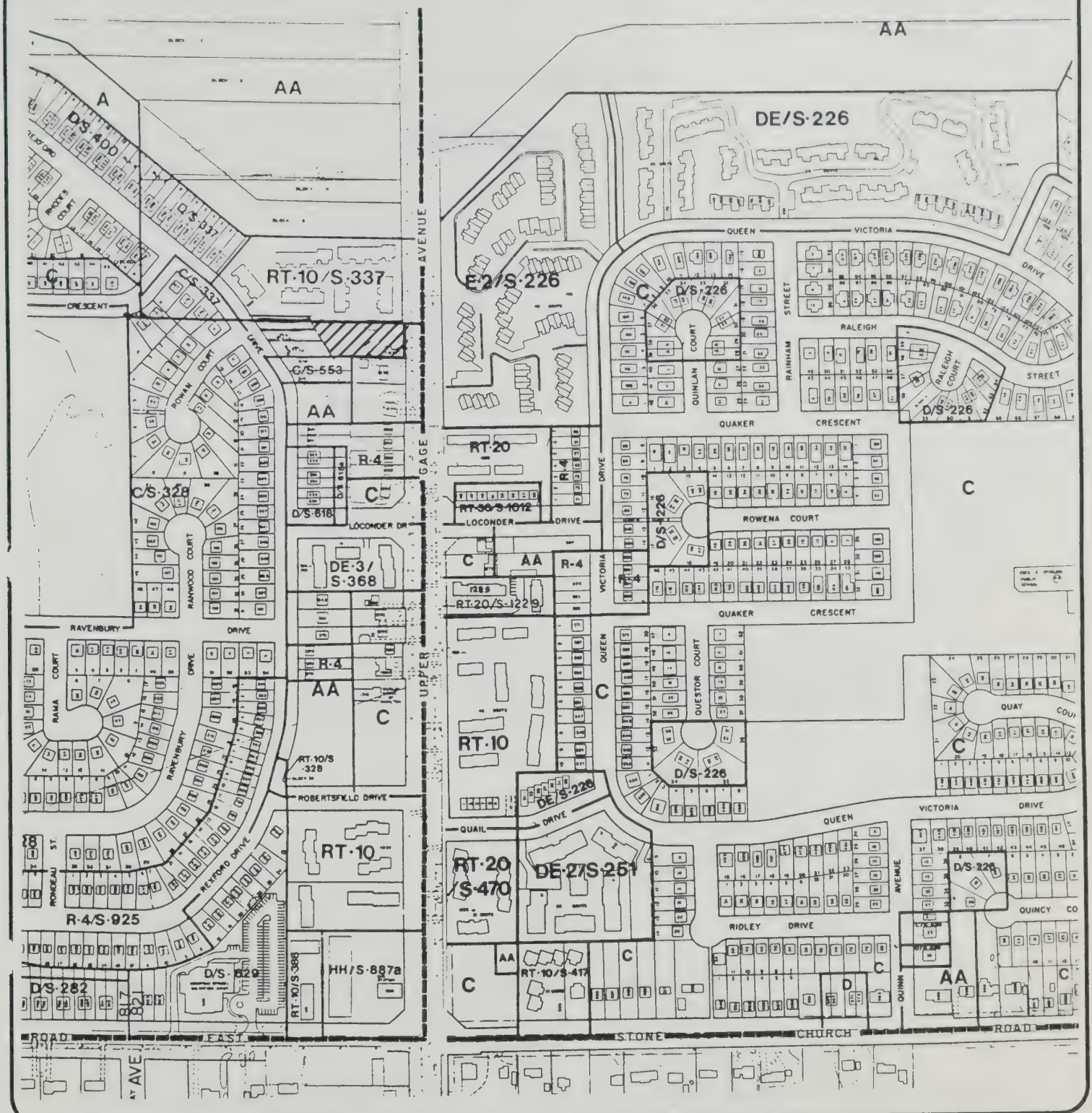
CONDOMINIUM DRAFT APPROVAL

SUBJECT TO THE CONDITIONS, IF ANY, SET FORTH IN OUR LETTER DATED ..... 19..., THIS PLAN IS APPROVED UNDER SECTION 51 OF THE PLANNING ACT AND SECTION 50 OF THE CONDOMINIUM ACT THIS ..... DAY OF ..... 19...

COMMISSIONER OF DEVELOPMENT
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
AUTHORIZED BY BY-LAW No. 245-94

A. J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS - CONSULTING ENGINEERS
155 JAMES STREET SOUTH, SUITE 100
HAMILTON, ONTARIO, L8P 3A7, CANADA
TEL: 905-528-8761 FAX: 905-528-2206

APPENDIX "B" CDM-97-04



City of Hamilton

APPENDIX "A"

APPLICATION CDM-97-04

Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	Not to Scale	CDM-97-04
	Date	Drawn By
	JANUARY 1997	F.A.

De)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 June 24

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

SUBJECT: **8/14 Chilton Place - Heritage Permit Application**

RECOMMENDATION:

That a Heritage Permit be approved for the construction of a new single-family dwelling at 8/14 Chilton Place in the Durand-Markland Heritage Conservation District (designated under Part V of the Ontario Heritage Act), as shown on the attached drawings A-1 (dated 1997 May 15) and A-4 (dated 1997 May 20).

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

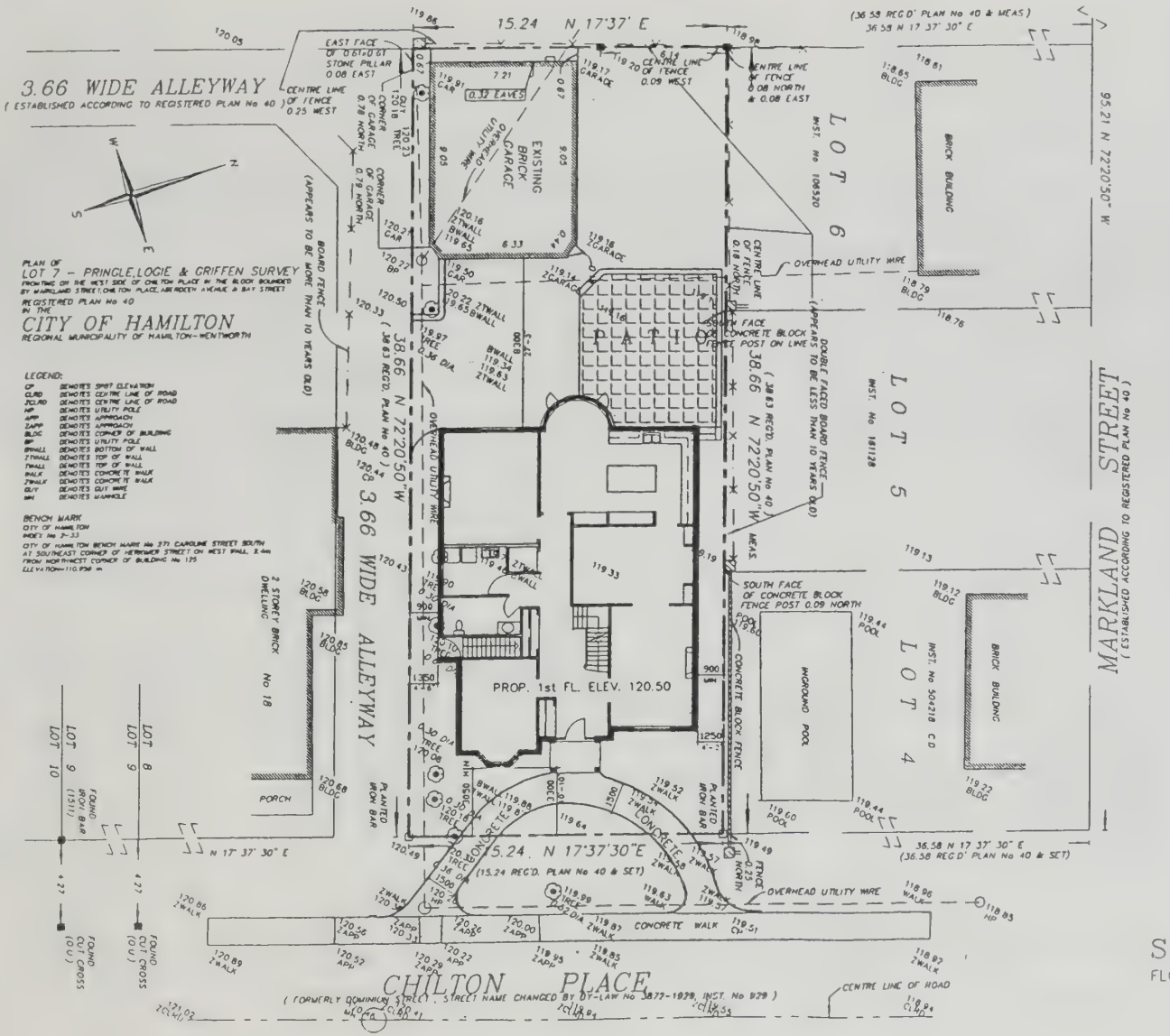
In accordance with Part V of the Ontario Heritage Act, all new construction within a Heritage Conservation District requires Council approval through the Heritage Permit process.

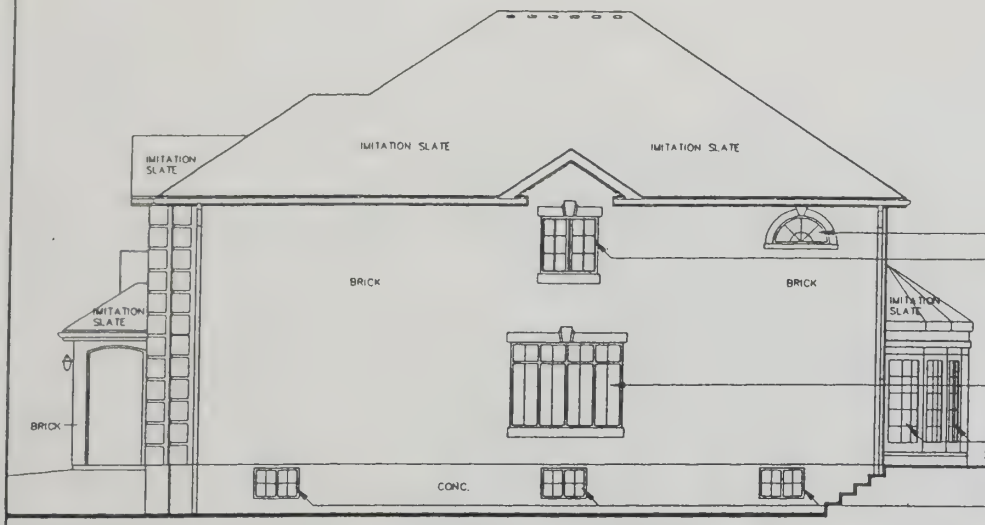
The proposed new house is located on one of the four lots of record formerly occupied by the 2-1/2 storey late Victorian mansion at 65 Markland Street, demolished in 1990. Two new houses have since been built on the other three lots.

A Committee of Adjustment application for a reduction in the front yard depth of about 3 metres has already been approved. As a result of this variance, the front facade of the house will be aligned with the facades of the other houses on the west side of Chilton Place.

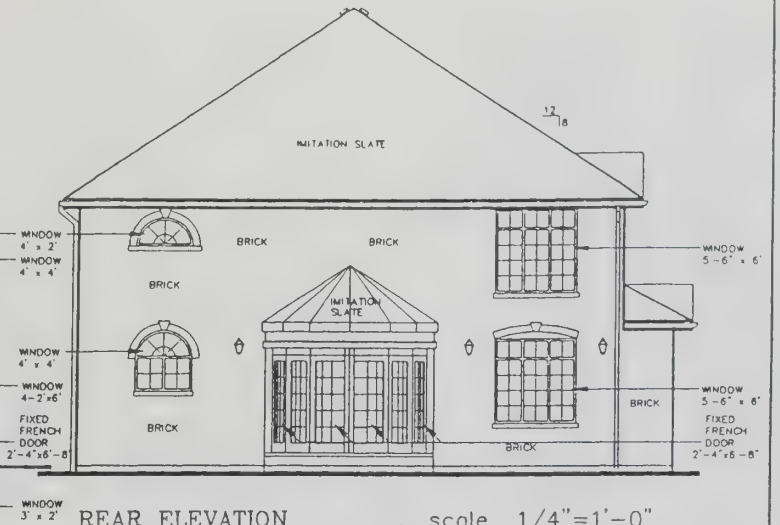
In order to expedite the issuance of the Heritage Permit, LACAC delegated authority to recommend approval to the LACAC Research Sub-committee, at its meeting of 1997 June 9.

On 1997 June 10, the LACAC Research Sub-committee reviewed the plans. It was determined that they conformed with the guidelines for new buildings outlined in the *Durand-Markland Heritage Conservation District Plan (Part I: District Conservation, Design and Landscaping Guidelines).*

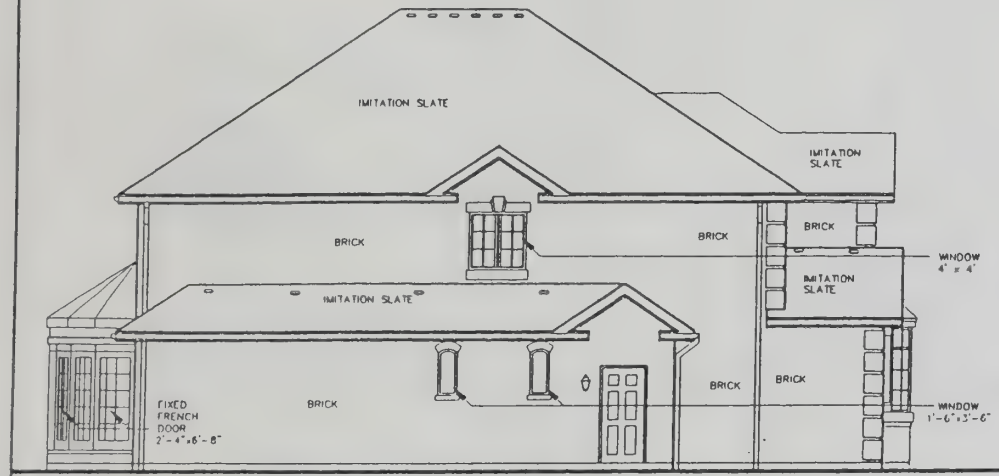

3.66 WIDE ALLEYWAY
(ESTABLISHED ACCORDING TO REGISTERED PLAN No 40)
PLAN OF
LOT 7 – PRINGLE, LOGIE & GRIFFEN SURVEY
FRONTING ON THE WEST SIDE OF CHILTON PLACE IN THE BLOCK BOUNDED BY MARKLAND STREET, CHILTON PLACE, ABERDEEN AVENUE & BAY STREET
REGISTERED PLAN No 40
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
LEGEND:
BENCH MARK
CITY OF HAMILTON
15.24 N 17°37' E
(36.58 REG'D PLAN No 40 & MEAS)
36.58 N 17° 37' 30" E
95.21 N 72°20'50" W
LOT 6
LOT 5
LOT 4
MARKLAND STREET
(ESTABLISHED ACCORDING TO REGISTERED PLAN No 40)
38.66 N 72°20'50" W
(38.63 REG'D. PLAN No 40)
38.66 N 72°20'50" W MEAS.
3.66 WIDE ALLEYWAY
EXISTING BRICK GARAGE
PROP. 1st FL. ELEV. 120.50
DATTO
2 STOREY DWELLING No 18
BRICK BUILDING
INGROUND POOL
POOL
PORCH
CONCRETE BLOCK FENCE
OVERHEAD UTILITY WIRE
BOARD FENCE (APPEARS TO BE MORE THAN 10 YEARS OLD)
DOUBLE FACED BOARD FENCE (APPEARS TO BE LESS THAN 10 YEARS OLD)
SOUTH FACE OF CONCRETE BLOCK FENCE POST 0.09 NORTH
SOUTH FACE CONCRETE BLOCK POST ON LINE
CENTRE LINE OF FENCE 0.08 NORTH & 0.08 EAST
CENTRE LINE OF FENCE 0.09 WEST
EAST FACE OF 0.61x0.61 STONE PILLAR 0.08 EAST
CORNER OF GARAGE 0.78 NORTH
CORNER OF GARAGE 0.79 NORTH
0.32 EAVES
CONCRETE WALK
CONCRETE
PLANTED IRON BAR
FOUND IRON BAR (1511)
FOUND CUT CROSS (IOU)
LOT 10
LOT 9
LOT 8
N 17° 37' 30" E
15.24 N 17°37'30"E
(15.24 REG'D. PLAN No 40 & SET)
36.58 N 17° 37' 30" E
(36.58 REG'D PLAN No 40 & SET)
CHILTON PLACE
(FORMERLY DOMINION STREET - STREET NAME CHANGED BY BY-LAW No 3877-1979, INST. No 929)
CENTRE LINE OF ROAD
INST. No 108320
INST. No 1611128
INST. No 504218 CD
SITE PLAN scale 1=100
FLOOR AREA 3700 sq.f. (344 sq.m)
SPURDRAFT
DESIGN CONSULTING
76 HILDEGARD CR
HAMILTON, ONTARIO
L8K 5R9
tel (905) 573 6085
fax (905) 573 8453
No. Date Description
REVISIONS
COMP NAME SMN
JOB NO. -
BY GREG SPUREK
SCALE 1:100
DATE 97-05-15
PRINT DATE
MR & MRS WINCHIE RESIDENCE
8 CHILTON PLACE HAMILTON, ONT
SITE PLAN
A1 of 5



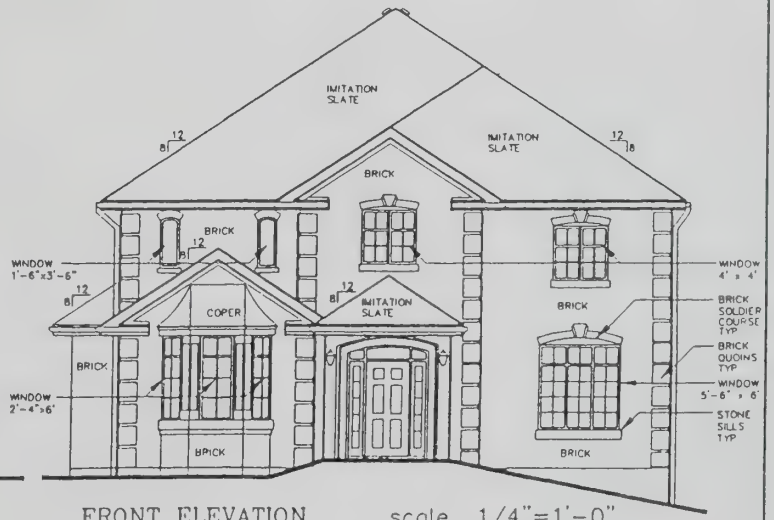
SIDE ELEVATION /NORTH/ scale 1/4"=1'-0"



REAR ELEVATION . scale 1/4"=1'-0"



SIDE ELEVATION /SOUTH/ scale 1/4"=1'-0"



FRONT ELEVATION scale 1/4"=1'-0"

SPURDRAFT
DESIGN CONSULTING
78 HILDEGARD Dr
HAMILTON ONTARIO
L8K 5R8
tel. (905) 573 8095
fax (905) 573 6653

No.	Date	Description
REVISIONS		

COMP FILE	WINCH
JOB NO.	-
DRWN BY	GREG SPUREK
SCALE	1/4"=1'-0"
ORIG. DATE	97-05-20
PRINT DATE	

MR & MRS WINCHIE RESIDENCE

8 CHILTON PLACE
HAMILTON, ONT.

ELEVATIONS

A4 of 5

D-f)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 June 24

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J.G. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: **Gore Heritage 2000 Program**

RECOMMENDATION:

a) That the applications for grants provided by the Gore Heritage 2000 Program be approved by the CAO, and

b) That the maximum grant per property be established at $20,000.

V.J. Abraham J.G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

On 1997 April 8, Council approved the Gore Heritage 2000 Program. As a component of that program, Council is required to approve the application before any construction begins. The next meetings of the Planning and Development Committee and Council are not scheduled until August 20 and 26, respectively. The delegation of the approval authority is intended to facilitate use of the program during the summer.

Originally the Gore Heritage 2000 program provided for a matching grant of $5,000 per 20 linear feet of facade to a maximum of $20,000. Discussions with owners and review of the potential costs for facade improvements have shown that the buildings with an approximate 20' facade often have costs which well exceed a $10,000. total. A maximum of a $20,000. matching grant will serve as a more effective incentive to facade improvements.

The criteria for grant approvals are established in the Council approved Gore Heritage Design Study. Eligible projects are approved by LACAC. In the event that the basis for approving an application was in question, the project would be forwarded to the Planning and Development Committee and Council.

cc Len King, Building Commissioner

E.

CITY OF HAMILTON

- RECOMMENDATION -

JUN 2 4 1997

DATE: 1997 June 24

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Century Manor, Hamilton Psychiatric Hospital - Designation under the Ontario Heritage Act

RECOMMENDATION:

a) That approval be given to the Intent to Designate the building known as "Century Manor", located on the Hamilton Psychiatric Hospital grounds at 100 West Fifth Street, as a property of historical and architectural value as outlined in the Reasons for Designation attached hereto and marked as Appendix "A", pursuant to the provisions of the Ontario Heritage Act, 1983; and,

b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

The building, erected in 1884 for the Hamilton Asylum for the Insane (East House), now known as "Century Manor", is part of the Hamilton Psychiatric Hospital property, owned by the Ontario Realty Corporation. Concerned about the future of this historic building which has stood vacant since 1995 August and is now considered to be surplus to the needs of the hospital, the Hamilton Psychiatric Hospital Museum Committee, in a letter to LACAC dated 1996 December 4, requested that Century Manor be designated under the Ontario Heritage Act.

At its meeting held 1997 February 10, LACAC approved the Century Manor building as being eligible for designation and requested Staff to prepare the Reasons for Designation.

A letter of support dated 1997 April 21 for the proposed designation has since been received from the Hamilton Psychiatric Hospital Community Advisory Board.

The Local Architectural Conservation Advisory Committee approved the recommendation to designate this building at its 1997 May 5 meeting, but agreed to advise the property owners, the Ontario Realty Corporation, before the recommendation was forwarded to City Council for approval.

At its meeting held 1997 June 9, LACAC was in receipt of a letter dated 1997 June 5 from the Ontario Realty Corporation requesting modifications to the Reasons for Designation. Final approval of the modified text prior to forwarding to City Council was delegated to LACAC's Research Sub-Committee.

LACAC's Research Sub-Committee approved the modified Reasons for Designation on 1997 June 23 which are attached as Appendix "A".

attached

cc Nina Chapple, Planning and Development Department
Patrice Noé Johnson, City Solicitor

APPENDIX "A"

REASONS FOR DESIGNATION

CENTURY MANOR
(originally East House)

Hamilton Psychiatric Hospital
100 West 5th Street

Context

The large High Victorian building, located on the grounds of the Hamilton Psychiatric Hospital and now known as Century Manor, was erected in 1884 as the second building built for the Hamilton Asylum for the Insane, a rapidly expanding complex of provincially-owned buildings devoted to the care and treatment of the mentally ill.

Century Manor is the focal point of a cluster of auxiliary buildings situated on the western half of the hospital property, where the main complex of asylum buildings was located until the early 20th century. Of the 19th century buildings located on the present hospital grounds, Century Manor is by far the largest and architecturally most distinguished (vacant since 1995).

History

Officially opened in March 1876 for the treatment of individuals suffering from mental illness, the Hamilton Asylum for the Insane was the sixth "insane asylum" in Ontario, following those opened in Toronto (1841), Kingston (1850), Amherstburg (1859), Orillia (1861), and London (1870). The emergence of these institutions reflected the 19th century trend for government to provide special care facilities for the mentally ill. Typically, the Hamilton asylum was planned and developed as a largely self-sufficient community. Much of the labour for maintaining the grounds, growing and harvesting crops, and new construction was provided by the patients.

By 1878, further expansion was based on the "cottage system", whereby patients were housed in separate smaller buildings providing a more home-like atmosphere. The first so-called "cottage", East House (since renamed Century Manor), was designed to house 60 patients; the second and much larger Orchard House (built 1887, since demolished) could hold up to 300.

The function of East House evolved to meet the hospital's changing needs. Initially intended for the reception and treatment of acute cases of mental illness, the building was subsequently adapted for the care and safekeeping of "criminally insane" patients, a use which it served until 1921. From that time on, East House/ Century Manor accommodated regular patients and/or various treatment facilities,

including the Mental Health Clinic (1929-1960), a therapeutic centre for adolescents (1968-74), a Forensic Unit (1972-78), and most recently, a day program for chronic psychiatric patients (1981-95).

Architecture

Century Manor is a rare surviving example of a special-purpose building designed to house mentally ill patients, originally referred to as a "cottage". Its design was based on the Kirkbride Linear Plan, the 19th century American prototype for new purpose-built asylum facilities, which was adopted as the standard for Ontario asylums. Century Manor is the only surviving building of its kind in Hamilton and one of few still standing in the province.

Century Manor also ranks among the finest High Victorian institutional buildings remaining in Hamilton. This large, imposing brick building, with a symmetrical facade, comprises four visually distinct yet stylistically unified components: a three-storey square centre block with flanking two-storey wings and a rear kitchen wing added in 1895. The elaborate centre block features a low-pitched hip roof with a pedimented gable over the projecting frontispiece, eaves embellished with modillions and paired brackets (terminating the corner piers), and paired windows above the entrance with round or segmental arches and prominent keystones. Punctuating the long facade of each wing is an octagonal bay with single eave brackets marking the four corners; the end of each wing is terminated by a square gabled bay echoing the design of the frontispiece. The architectural detailing of the centre block and wings is very similar, with sills and string courses made of stone and contrasting yellow brick used to accentuate the segmentally-arched window lintels, corner piers and quoins (lintels now painted white). The existing raised portico, though not original, still enhances the front entrance, with its coupled wood columns rising from cut stone plinths. The once impressive doorway with ornate glazed double doors, narrow sidelights and transom light has been replaced.

Designated Features

Important to the preservation of Century Manor are the original features of all four facades, including the window openings, sills and lintels; the decorative brickwork; the stone sills and string courses; the brick chimneys; the decorative wood eave brackets and modillions; and the entrance portico. Excluded on the front facade is the existing central doorway and two fire exit doorways in the gabled bays terminating each wing.

F.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 June 26

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Item**

RECOMMENDATION:

That the following Information Item, which has been previously forwarded to members of the Committee under separate cover, be received for information purposes:

> Director of Planning and Development re: Approved Site Plan Control Applications, dated 1997 June 20

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND: N/A

URBAN/MUNICIPAL
CA4 ON HBL A05
C 51 P4
1997

Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF SPECIAL MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Tuesday, 1997 July 8
7:00 o'clock p.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

1. **DIRECTOR OF PLANNING AND DEVELOPMENT AND CHIEF ADMINISTRATIVE OFFICER**

   ZA-96-11, 73 Garfield Avenue (previously tabled)

2. **ADJOURNMENT**

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 July 4
ZAC-96-11
Stipeley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a further modification in Zoning - 73 Garfield Avenue South

SECOND REPORT:

RECOMMENDATION:

(a) That approval be given to amended Zoning Application ZAC-96-11, Alfrin Enterprises Corporation (Al Frisina), owner, requesting a further modification to the established "C" (Urban Protected Residential, etc.) District for lands located at 73 Garfield Avenue South, to permit the conversion of the existing building to a senior citizens facility for 36 residents, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That By-law No. 94-027 be repealed in its entirety.

(ii) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements;

1) notwithstanding Section 9.(1) of Zoning By-law No. 6593, the following uses shall be permitted:

a. a senior citizens facility containing a maximum of 36 "housekeeping dwellings units" for the accommodation of not more than thirty-six residents within the building existing at the time of the passing of the by-law;

b. not more than 2 residents shall be accommodated in a housekeeping dwelling unit; and,

c. lounges, common spaces, kitchen facilities, a dining room in conjunction with a senior citizens facility;

2) for the purposes of the By-law, a senior citizens facility means a facility within which all residents are at least 60 years of age or older.

3) notwithstanding Section 9.(2) of Zoning By-law No. 6593, no building shall exceed 5 storeys and 12 m in height.

4) notwithstanding Table 1 of Section 18A. of Zoning By-law No. 6593, not less than 13 parking spaces shall be provided and maintained.

5) notwithstanding Section 18A(7) of Zoning By-law No. 6593, eleven of the required parking spaces shall have dimensions of not less than 2.5m by 5.7m;

6) notwithstanding Section 18A(8) of Zoning By-law No. 6593, the two parallel parking spaces shall have a length of not less than 6.3 m;

7) notwithstanding Section 18A(9) of Zoning By-law No. 6593, part of the manouvering area for the two parallel parking spaces shall be provided off-site;

8) Sections 18A(1)(c), 18A(11)(a), 18A(12)(a) and 18A(25) of Zoning By-law No. 6593 shall not apply;

9) notwithstanding Section 18A(12)(c) of Zoning By-law No. 6593, a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the southerly lot line except that no visual barrier shall be situate less than 3.0 m in distance from the front lot line;

10) notwithstanding Section 18A(24)(b)(i) of By-law No. 6593, the existing unassumed alleyway located to the rear of the lands shall provide the required access for the required parking area located on site;

11) a landscaped area not less than 105.0 m^2 shall be provided and maintained in the front yard.

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - 1376, and that the subject lands on Zoning District Map E-33 be notated S - 1376;

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-33 for presentation to City Council;

(v) That upon finalization of the Zoning By-law that the approved Stipeley Neighbourhood Plan be amended to redesignate the subject lands from "Single and Double" Residential to "Medium Density Apartments".

(vi) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a further modification to the "C" (Urban Protected Residential, etc.) District regulations for property known as 73 Garfield Avenue South, to permit the conversion of the existing building to a senior citizens facility for 36 residents,. In addition, the following variances are required:

- to permit a senior citizens facility containing a maximum of 36 "housekeeping dwelling units" for the accommodation of not more than thirty-six residents within the existing building;
- to permit a maximum height of 5 storeys and 12 m in height for any building or structure;
- to permit lounges, common spaces, kitchen facilities, a dining room in conjunction with a senior citizens facility;
- for the purposes of the By-law, a senior citizens facility means a facility within which all residents are at least 60 years of age or older;
- to require that 13 parking spaces be provided and maintained. Eleven of the required parking spaces shall have dimensions of not less than 2.5 m by 5.7m. The two parallel parking spaces will have a length of not less than 6.3 m.
- to exempt the senior citizens facility from requiring an on-site loading space.
- to require a visual barrier between 1.2 m and 2.0 m in height along the southerly lot line but require that the visual barrier be setback at least 3.0 m from Garfield Avenue South;
- to permit access to the required parking area to be from the existing unassumed alleyway located at the rear of the subject lands; and,

- require that a minimum landscaped area of not less than 110.0 m^2 be provided and maintained.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal:

The proposal is for a further modification to the established "C" District to permit conversion of the existing building for use as a 36 person "senior citizens facility". The application has been revised as a result of a neighbourhood meeting held on July 2, 1997. At the meeting, there was general agreement that the proposal should be amended from the original proposal for a 50 person residential care facility to the proposed 36 person "senior citizens facility".

Zoning Application 90-28

At its meeting of May 23, 1990, the Planning and Development Committee recommended denial of Zoning Application 90-28, as submitted, to permit the conversion of the existing building to eighteen residential units. The Committee also denied the amended application to permit the conversion of the existing building to 14 condominium or apartment units. City Council, at its meeting of May 23, 1990, adopted the recommendations of the Committee.

Zoning Application 90-60

City Council, at its meeting of October 30, 1990, denied Zoning Application 90-60. The application was for a modification in zoning to permit the conversion of the existing building to fourteen dwelling units (apartments of condominiums). The application was denied on the basis that it conflicted with the position of City Council, adopted on May 29, 1990, to deny the conversion of the building to eighteen dwelling units and to deny an amended application to permit fourteen units.

Ontario Municipal Board Hearing

The denial of Zoning Application 90-60 was appealed to the Ontario Municipal Board (OMB). The OMB, by way of an order dated November 10, 1992, approved the conversion of the

building for a maximum of 10 units subject to the following conditions:

1) That the City and the developer have entered into a site plan agreement regarding parking; and,

2) That the City and the developer enter into an encroachment agreement.

The applicant has entered into a site plan agreement and encroachment agreement with the City. However, it is noted that the site was never redeveloped for that purpose.

Applicant:

Alfrin Enterprise Corporation, owner.

Lot Size and Area:

The subject lands have:

- a frontage of 30.48 m (100 ft) along Garfield Avenue South;
- a depth of 30.48 m (100 ft); and,
- an area of 940 m^2 (10,000 sq.ft.).

Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant 2 storey building	"C" (Urban Protected Residential, etc.) District, modified
Surrounding Land Use		
to the north, south, east and west	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District

City of Hamilton Official Plan:

The subject lands are designated "Residential".

Neighbourhood Plan:

The subject lands are located in the Stipeley Neighbourhood and are designated "Single & Double" Residential in the approved Neighbourhood Plan. Approval of the application will required that the approved Stipeley Neighbourhood Plan be amended to redesignate the subject

lands from "Single and Double" Residential to "Medium Density Apartments"

COMMENTS FROM CIRCULATION:

- The Department of Public Works, Traffic Division verbally advised that the applicant has not provided any justification for the reduction in parking. As such, the Traffic Division does not support the proposed development.

COMMENTS:

1. The proposal complies with the general intent of the Official Plan.

2. The application can be supported in that it provides for the adaptive reuse of the building. The applicant has agreed to reduce the capacity of the building from 50 residents to 36 residents. In addition, the use should be restricted to a "senior citizens facility" where no on-site care, other than a common dining room, is provided. A senior citizens facility is not considered to be an institutional use.

3. The proposed parking and manouvering layout is identical to the Ontario Municipal Board approval which permitted 13 parking spaces.

4. The proposed "retirement lifestyle" accommodation is not considered to be a residential care facility in that no on-site care will be provided for the residents. Rather the proposed use is similar to a lodging house, except that based on the preliminary plans there will be private bathroom facilities in each room whereas in a lodging house, by definition, there are shared bathroom facilities. On this basis, to permit the use a specific definition of "senior citizens facility" should be introduced into the amending by-law.

5. A meeting with the Ward Alderman, Planning and Development Department staff, residents of the immediate area and the proponent was held on July 2, 1997. Various options were discussed with the proponent and the residents. Both the proponent and the residents agreed to the amended application subject to the provision that the use be restricted to a "seniors citizens facility" with a maximum capacity of 36 residents.

6. The applicant has proposed that the definition of "senior citizens facility" be further restricted by including the clause that the residents do not require probationary or custodial care governed by the terms of any court or parole board. This wording was used to qualify Committee of Adjustment Application A-95:108 for the property at 1322 King Street East ("The Rosslyn"). The variances were to permit a residential care facility for a maximum of 50 residents.

   By definition, a "senior citizens facility" is not a residential care facility. As such, Planning and Development Department staff do not feel that a further restriction is required.

7. The existing building was constructed as a 2½ storey commercial building with 6 m high ceilings. The applicant is proposing to reconfigure the building to a 4 storey building, in addition to the basement. As such, the zoning by-law should permit a 5 storey building with a maximum height of 12 m as per the existing site specific zoning under the provisions of Zoning By-law No. 94-027. The Building Department was consulted in reviewing these requirements and supports the proposed height restriction.

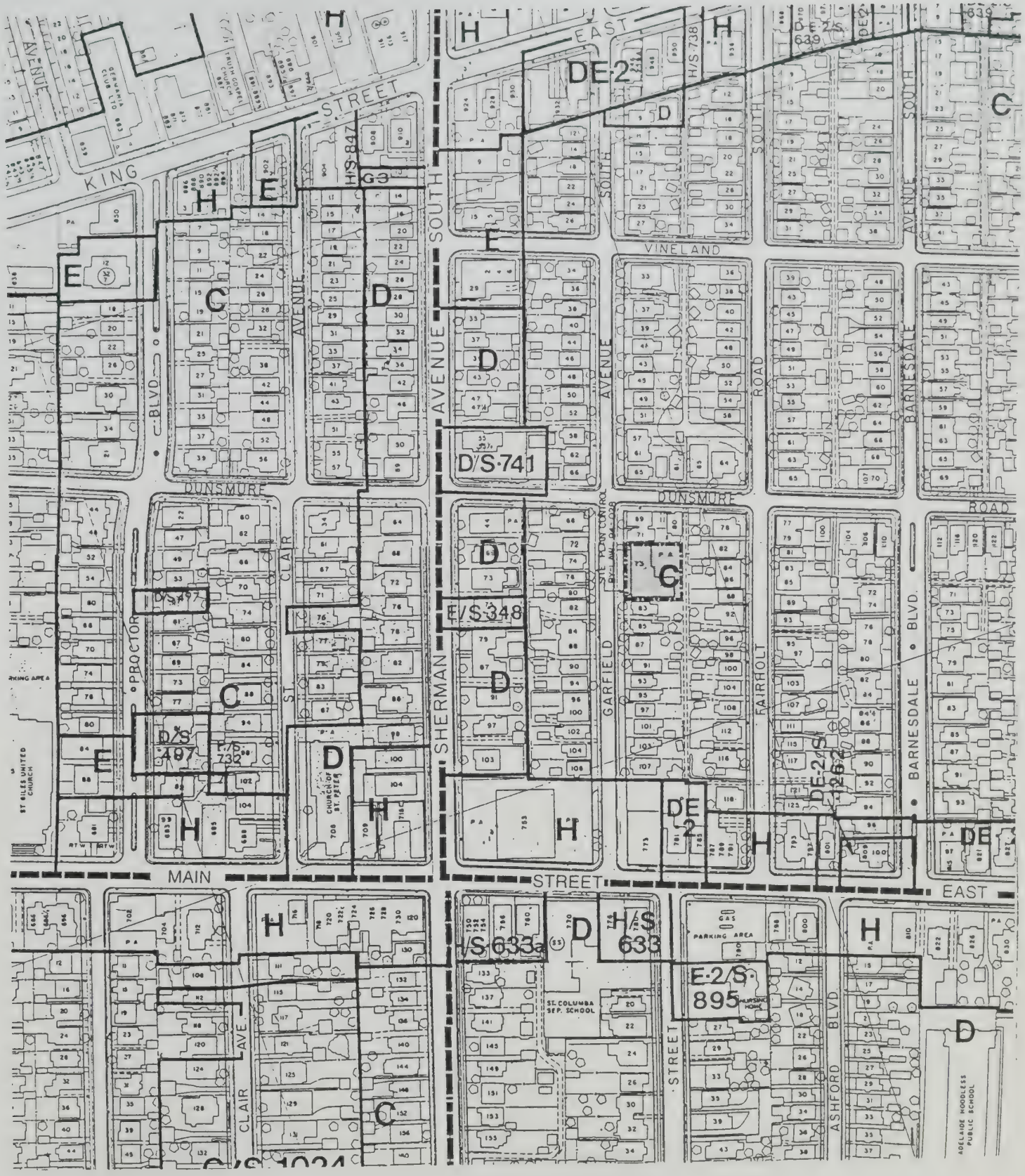
   If the applicant erects a new roof structure which surrounds, but does not enclose the mechanical equipment, then this will be permitted under the proposed height restriction. The enclosure of the mechanical equipment will create a mechanical room which will not be permitted under the proposed 5 storey height restriction.

8. The lands are subject to Site Plan Control which will allow for a more detailed review of matters such as landscaping, fencing, the location of garbage storage and access to the building.

CONCLUSION:

On the basis of the foregoing, the amended application can be supported.

SR/sr
ZAC96-11.2ND



Legend

Site of the Application

ZAC-96-11

URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1997



Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL

Wednesday, 1997 August 20
9:30 o'clock a.m.
Room 233, City Hall

AUG 18 1997

GOVERNMENT DOCUMENTS

T Agnello

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 97-19 by Norris Transport, owner, for a modification in zoning for lands located at 120 Ferrie Street.

2. Zoning Application 97-23 by DiCenzo Construction Company Limited, owner, for a change in zoning for lands located west of Upper Wellington Street and north of Rymal Road East.

3. Zoning Application 97-13 by Homes by Oakbrook (Nik Uhac), owner for a change in zoning for property located between No. 14 and No. 24 East 35th Street.

PUBLIC MEETINGS - 9:45 O'CLOCK A.M.

4. Zoning Application 97-18 by Enio Prosperi, owner, for a change in zoning for the rear portion of 5 Dodson Street which fronts onto Welbourn Drive and is north of McElroy Road East and east of Dodson Street.

   a) Submission: Lloyd M. Smith, 111 McElroy Road East, Hamilton

5. Zoning Application 97-04 by Good Shepherd Non-Profit Housing Corporation, prospective owner, for a change in zoning for property located at 100 Locke Street South.

6. Rental Housing Protection Act Application - 21 Kendale Crt. (CD-97-002) (Rolston Neighbourhood).

   Submissions: a) Carol Shields, 303-21 Kendale Court, Hamilton
   b) Elizabeth Vaillancourt, 106-21 Kendale Court, Hamilton
   c) I. Summerfield 310-21, Kendale Court, Hamilton

PUBLIC MEETINGS - 10:00 O'CLOCK A.M.

7. Zoning Application 97-21 by Sunshine Construction Inc., owner, for lands located east of Omni Boulevard and north of Stone Church Road West.

8. **TRANSPORT AND ENVIRONMENT COMMITTEE**

   Request for rezoning as a City Initiative- Montgomery Creek Watershed Area

9. **DIRECTOR OF PLANNING AND DEVELOPMENT**

   i) Planning Tariff Fees - Condominium and Subdivisions (CI-83-B)

   ii) Dan Condon, Hamilton-Halton Homebuilders' Association Re: Sub-Division and Condominium Application Fees

10. **CITY CLERK**

    Ferguson Avenue Redevelopment - Walkway between Main and King Streets, Authorization to Expropriate

11. **BUILDING COMMISSIONER**

    272 Wellington St N - Demolition

12. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

Fearman House, 90 Stinson Street - Revised Plans for Proposed Alterations/Additions

13. CONSENT AGENDA

14. OTHER BUSINESS

15. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
2.	Rehabilitation Loan Programs	1996 June 25 (Council)	Review to be conducted by staff	Recommendation from Building Commissioner to Cttee by 1996 Nov. 1
3.	Mobile Sign By-law	1996 July 3 and 1997 February 11	Two reviews to be conducted three months and six months after the passing of the Mobile Sign bylaw on 1997 February 11	*Industry and Staff Committee To report back in one year (by July 3 1997) *Staff Report to be brought back in 6 mos (by August 11 1997)
4.	Bringing responsibility for administration of Subdivisions, Condominium Control and Part Lot Control to the City from the Region	1996 July 3	Building Commissioner to Draft Report	Report Forthcoming
5.	Correspondence : CAPIC support for Establishment of a Downtown Neighbourhood	1996 October 23	Referred to Planning Staff for report	Report Forthcoming
6.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and Incineration as a use regarding Hamilton Harbour Commission Lands	Report Forthcoming
7.	ZA-97-02, 310 Limeridge Road West	1997 March 19	Alternate Uses for the property to be investigated	Tabled. To be brought back on 1997 May 21
8.	RHPA application CD-96-004, 222 Gage Avenue South	1997 April 2 and 1997 May 7	Ward Aldermen to meet with applicant and residents	Tabled for 1 month Further tabled for 6 months (to first meeting of Nov 1997)
9.	RHPA application CD-96-005, 155 Market Street	1997 April 23	Applicant to meet with residents in order to address their concerns	Tabled for 2 months
10.	Street Naming	1997 May 7	Planning and Development Staff requested to prepare a report explaing how street names are determined	Report Pending
11.	ZAC-97-06, 87-95 Wellington St. N. & 216 Wilson St.	1997 June 18	Tabled for the applicant to apply for RHPA and approach Regional Transportation regarding road width	Tabled with Instructions

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
12.	Wesley Centre, 195 Ferguson Avenue North	1997 June 18	Planning, Clerk's Real Estate Division, and Economic Devlopemnt Department to work with Wesley to determine alternate sites	Pending
13.	Correspondence from J. Wannop, 139-147 Locke St. S.- Site Plan	1997 June 18	Referred to Planning Staff for review and Comment	Pending
14.	Appleblossom Drive Extension	1997 June 18	Referred to Planning Staff for Report	Report Forthcoming
15.	Boulevard Policy for new Subdivisions	1997 July 2	Staff Directed to prepare report	Report Forthcoming

1997 July 11

1.

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 3 1997

DATE: 1997 July 28
ZAC-97-19
North End East Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Request for a modification in zoning - 120 Ferrie Street

RECOMMENDATION:

That approval be given Zoning Application ZAC-97-19, Norris Transport, owners, requesting a modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations to permit the development of six (6) single family detached dwellings, for the property at 120 Ferrie Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the amending by-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the owner demonstrates that the site is not contaminated and that remediation/clean-up has occurred or may be required in accordance with the "Guidelines for Use at Contaminated Sites in Ontario - June 1996" (as amended from time to time), to the satisfaction of the Regional Environment Department.

City Council may remove the 'H' symbol, and thereby give effect to the "D" District, modified provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled;

(ii) That the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:

(1) That notwithstanding Subsection 10(3)(ii), a side yard of at least 1.0 m shall be permitted; and,

(2) That notwithstanding Subsection 10(4)(i), a lot width of a least 8.8 m and a lot area of at least 271.6 m^2 shall be permitted.

(iii) The amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S- , and that the subject lands on Zoning District Map E-2 be notated S- ;

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-2 for presentation to City Council;

(v) That upon approval of the Zoning By-law amendment, the North End East Neighbourhood Plan be amended by redesignating the subject lands from "Commercial" to "Single and Double"; and,

(vi) That the proposed modification in zoning is in conformity with the Official Plan for the City of Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for modifications to the established "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations for lands located at 120 Ferrie Street, as shown on the attached map (APPENDIX "A").

The effect of the By-law is to permit the construction of six (6) single family detached dwellings with the following variances:

- a minimum side yard of 1.0 m, whereas a minimum of 1.2 m is required; and,
- a minimum lot width of 8.8 m and a minimum lot area of 271.6 m^2, whereas a minimum lot width of 12.0 m and a minimum lot area of 360 m^2 is required.

In addition, the amending by-law establishes the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, on the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit development of the subject lands until such time as the owner demonstrates that the site is not contaminated and that remediation/clean-up has occurred or may be required in accordance with the "Guidelines for Use at Contaminated Sites in Ontario - June 1996" (as may be amended from time to time), to the

satisfaction of the Regional Environment Department.

City Council may remove the 'H' symbol, and thereby give effect to the "D" District, modified provisions as stipulated in the amending By-law once the condition is fulfilled.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The applicant is proposing to redevelop the subject lands for six (6) single family dwellings. The proposed lot width and area, and side yards are less than required in the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District.

- Land Severance Application B-97:58,59,60

  The Committee of Adjustment, at their meeting of June 11, 1997, approved three severance applications to create the six (6) lots on the subject lands (see APPENDIX "B") subject to, amongst other conditions:

  - "That the applicant receive final approval of a Zoning By-law which modifies the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations."

  - "That the owner demonstrate that the site is not contaminated and that remediation/cleanup has occurred or may be required in accordance with the "Guidelines for use at Contaminated Sites in Ontario - June 1996", to the satisfaction of the Regional Environment Department."

  - "The owner shall enter into a Modified Subdivision Agreement with the City of Hamilton for the purposes of lot grading."

APPLICANT:

Norris Transport, owners.

LOT SIZE AND AREA:

	Land Use	Zoning
Subject Lands	Industry (transport company)	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
Surrounding Lands		
to the north, east and south	single family and semi-detached dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
to the west	single family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District

OFFICIAL PLAN:

The subject lands are designated "Residential" on Schedule 'A' - Land Use Concept and within Special Policy Area 3 on Schedule 'B' - Special Policy Areas. The following policies, amongst others, apply:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

A.2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.1(ii);

i) It is the intent of Council to strengthen the Residential function of this AREA to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;

ii) Further to the above, a wide variety of densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families, the physically disabled, and senior citizens will be particularly encouraged;

iii) Council will encourage the relocation of non-Residential uses from predominantly stable Residential areas where the impacts of such use(s) cannot be effectively mitigated by means of, but not limited to, landscaping and buffering, building orientation and alterations to traffic flows;

v) It is intended that Residential development or redevelopment be at a scale, density and bulk compatible with the established character of the surrounding uses;

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

iv) Acquisition, removal or improvement of buildings or uses incompatible with a zoning district;

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that is consistent and complements the established development pattern;

v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established

development pattern;"

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial" in the approved North End East Neighbourhood Plan. If the proposal is approved, the lands will have to be redesignated to "Single and Double Residential".

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority advises they have no objection.

- The Regional Environment Department (Planning) advises:

  "The subject lands contained a former transport warehouse site, where potential exists of site contamination. The application does not indicate whether this site is, or is not contaminated, and/or whether site remediation/clean-up may be necessary. Since residential development is proposed in the future for this site, the proposal must conform to Policy B-2.3 "Contaminated Site Remediation", of the H.W.O.P."

- The Regional Environment Department (Planning) responding to Provincial environmental concerns advises:

  "The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. Since subject lands contained a former transport warehouse site, which has potential for having site contamination, the application requires further demonstration of how it has regard for the PPS.

  Provided it has been demonstrated that remediation (i.e. decommissioning) of the site is required and/or has occurred, or proven not necessary, in accordance with the Ministry of Environment & Energy's "Guideline For Use At Contaminated Sites in Ontario - February 1997", to the satisfaction of the Regional Environment Department, the application would have sufficient regard for the following applicable policy.

  3 PUBLIC HEALTH AND SAFETY

  3.2 Human-made Hazard

  3.2.2 Contaminated sites will be restored as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect."

- The Building Department advises:

"1. In a "D" District, a minimum lot width of 12.0m and minimum lot area of 360.0m^2 is required for single family dwellings.

2. The proposed side yard of 1.0m does not conform to the minimum required 1.2m side yard."

- The Regional Environment Department (Engineering Services) advises:

"..there are public watermains and combined storm and sanitary sewers available to service the subject lands.

The Region's Transportation Department, Roads Division have the following comments:

1. According to our records, the existing road allowance widths of Ferrie Street and Mary Street is 20.12m. Therefore, we do not anticipate any further road allowance widenings at this time.

2. The applicant should be advised that according to our records, the alley to the rear of the subject lands is public unassumed. Therefore, the City of Hamilton cannot guarantee free and clear access to the rear of the subject lands from the alley.

3. In order to provide for motorists visibility entering the sidewalk area on Ferrie. Street, we recommend that a 3m by 3m daylight visibility triangle be established between the alley and Ferrie Street road allowance limits in which the maximum height of any object or mature vegetation is not to exceed 0.60m above the corresponding perpendicular centreline elevation of Ferrie Street. This can be done through the Zoning By-law and/or the grading plan attached to the Modified Subdivision Agreement which will be registered on title.

4. In the absence of any other details shown, we advise that any works which may occur within the Mary Street or Ferrie Street road allowances must conform to the City of Hamilton Streets By-law."

- The Public Works and Traffic Department advises:

"We support the proposed modification in zoning to permit the development of six residential building lot replacing the existing commercial warehouse use.

We recommend that as a condition of approval the elevation of the required parking for each residential dwelling be a minimum of .25 of a metre above the centreline of Mary Street and the slope of the driveways on private property not exceed 7%. This information

should be shown on the required lot grading plan."

COMMENTS:

1. The proposal complies with the Official Plan.

2. The subject lands are designated "Commercial" in the approved North End East Neighbourhood Plan. If this application is approved, an amendment will be required to redesignate these lands to "Single and Double".

3. The proposal has merit and can be supported on the following basis:

   - the proposed single family dwellings are compatible with existing development in the area. In this regard, the proposed lot sizes and area are consistent with existing lot sizes and areas;

   - it represents appropriate redevelopment of a former commercial use in an low density residential neighbourhood;

3. The Regional Environment Department advises that the subject lands was a former warehouse site, where the potential exists of site contamination. On this basis, the proposal must conform with Regional Official Plan policy regarding contaminated site remediation. Further, from the Provincial perspective, given the potential for having site contamination, it must demonstrated that remediation is required and/or has occurred, or proven not necessary, in accordance with Ministry of Environment and Energy Guidelines to the satisfaction of the Regional Environment Department. As noted previously, as a condition of approval for the severance:

> "That the owner demonstrate that the site is not contaminated and that remediation/cleanup has occurred or may be required in accordance with the "Guidelines for use at Contaminated Sites in Ontario - June 1996", to the satisfaction of the Regional Environment Department."

Although this condition is provided for in the severance, if the severance should lapse, this condition may not be fulfilled.

Based on these comments and the condition of severance, it would be appropriate to place the subject lands in a holding zone, by introducing the holding symbol 'H' as a suffix to the proposed zoning district. The holding provision would prohibit the development of the subject lands until such time as the owner demonstrates that the site is not contaminated and that remediation/clean-up has occurred or may be required in accordance with the "Guidelines of Use at Contaminated Sites in Ontario - June 1996", to the satisfaction of the Regional Environment Department. The City may remove the 'H' symbol, and thereby

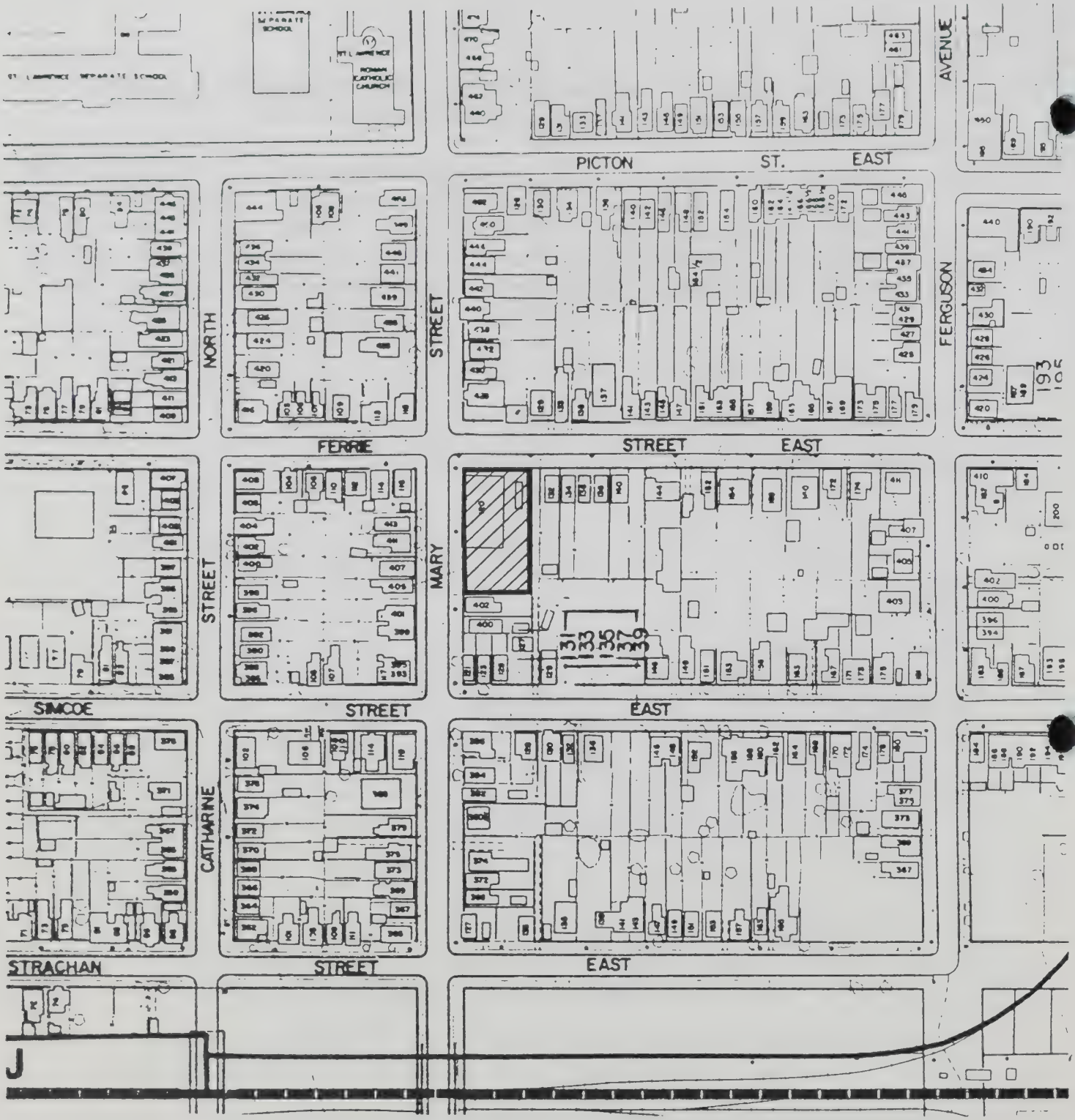
give effect to the "D" District, modified provisions as stipulated in the by-law, by enactment of an amending by-law, once the condition is fulfilled.

4. The Regional Environment Department recommends that a 3 m by 3 m daylight triangle be established between the alley and the Ferrie Street road allowance limits. Further, the Public Works and Traffic Department recommend certain grading and elevation regarding the parking for the proposed dwellings. Both these concerns can be dealt with through the Modified Subdivision Agreement required as a condition of approval of the severance.

CONCLUSION:

Based on the foregoing, the subject application can be supported.

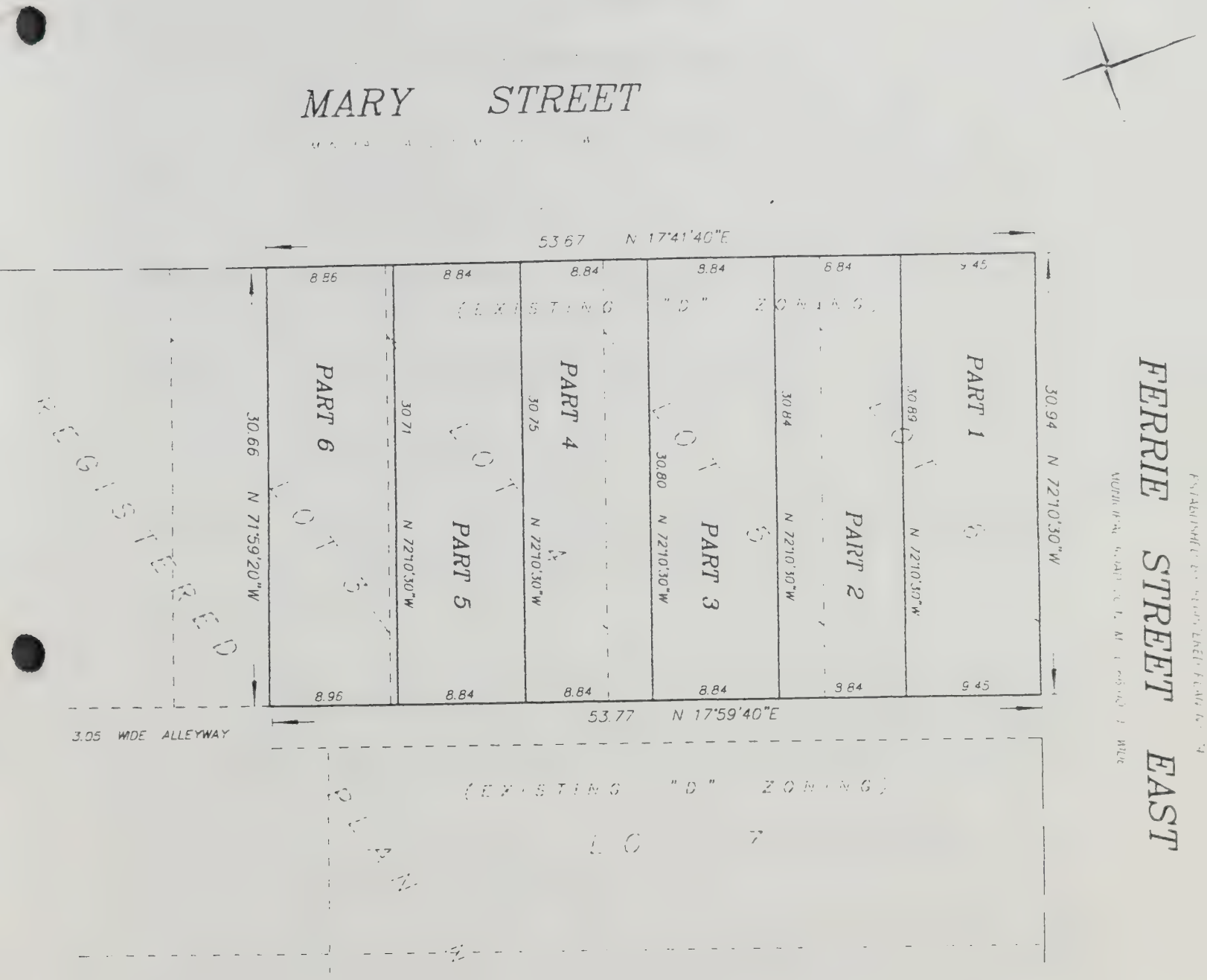
CLF/
ZAC-97-19



Legend

Site of the Application

Reference File No.	
ZAC-97-19	
Drawn By	Date
W. B.	May 1997
Scale	
NOT TO SCALE	
North	


MARY STREET
53.67 N 17°41'40"E
8.86
8.84
8.84
8.84
8.84
9.45
PART 6
PART 5
PART 4
PART 3
PART 2
PART 1
30.66 N 71°59'20"W
30.71
30.75
30.80
30.84
30.89
30.94 N 72°10'30"W
N 72°10'30"W
8.96
8.84
8.84
8.84
8.84
9.45
53.77 N 17°59'40"E
3.05 WIDE ALLEYWAY
(EXISTING "D" ZONING)
LOT 7
FERRIE STREET EAST

2.

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 3 1997

DATE: 1997 July 23
ZAC-97-23
Ryckmans Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning - Lands located west of Upper Wellington Street and north of Rymal Road East.

RECOMMENDATION:

(a) That approval be given to Zoning Application ZAC-97-23, **DiCenzo Construction Company Limited, owners,** requesting a change in zoning from "RT-20" (Townhouse-Maisonette) District to "R-4" (Small Lot Single Family) District for property located west of Upper Wellington Street and north of Rymal Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the subject lands be rezoned from "RT-20" (Townhouse-Maisonette) District to "R-4" (Small Lot Single Family) District;

(ii) That the amending By-law applicable to the subject lands apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the availability of all such municipal services for the subject lands as the City deems necessary to service the proposed development.

City Council may remove the 'H' symbol, and thereby give effect to the "R-4" District, provisions as stipulated in the By-law by enactment of an amending By-law once the condition is fulfilled;

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council; and,

(iv) That upon finalization of the zoning by-law amendment, the approved Ryckmans Neighbourhood Plan be amended by redesignating the subject lands from "Attached Housing" to "Single and Double Residential".

(v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning for lands located west of Upper Wellington Street and north of Rymal Road East, as shown on the attached map marked as APPENDIX "A".

In addition, the By-law will apply the Holding provision which will prohibit development of the subject lands until such time as municipal services (water, sanitary sewers) are available to service the subject lands.

The effect of the By-law is to permit the development of the subject lands for 4 single family dwellings on lots with a minimum lot width of 9.0 m and an average lot width of 10.0 m.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Consent Applications B-97:48-49

The Committee of Adjustment, at its meeting of May 14, 1997, approved Consent Applications B-97:48-49. The applications were to permit "the mutual conveyance of two parcels of land, one having and area of approximately 97m^2, a depth of 22.45m, the other having an approximate area of 131m^2, a depth of 32.76m".

Land assembly is required for the development of two lots on the abutting plan of subdivision "Olmsted Park" and to complete two lots within the "DiCenzo Gardens" plan of subdivision. (see APPENDIX "B")

Application B-97-48 was approved subject to the applicant receiving final approval of a change in zoning from "RT-20" District to "R-4" District.

Zoning Application 86-11 and Draft Plan of Subdivision "DiCenzo Gardens"

In 1986, City Council approved Zoning Application 86-11 and the associated plan of subdivision "DiCenzo Gardens" for lands located west of Upper Wellington Street between Stone Church Road East and Rymal Road East. The subject lands rezoned from "AA" District to "RT-20" District and were identified as "Block 410" on the draft plan of subdivision. Block 410 was to be developed either in conjunction with the lands to the west (Block 411) or with the lands to the south ("Olmsted Park" plan of subdivision).

APPLICANT:

DiCenzo Construction Company Limited, owner.

AGENT:

Anthony DiCenzo, solicitor.

LOT SIZE AND AREA:

The subject lands have an irregular shape with

- 65.5 m of lot width;
- maximum lot depth of 35 m; and
- 1,684 m^2 of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant lands	"RT-20" (Townhouse-Maisonette) District
Surrounding Land Use		
to the north	Vacant Lands	"R-4" (Small Lot Single Family) District
to the south	Vacant lands and Single Detached Dwellings	"R-4" (Small Lot Single Family) District and "B" (Suburban Agricultural and Residential, etc.) District

to the east	Vacant lands and Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
to the west	Vacant lands	"R-4" (Small Lot Single Family) District and "RT-20" (Townhouse - Maisonette) District

OFFICIAL PLAN:

The lands are designated **Residential** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan. The proposed change in zoning complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Attached Housing" in the Ryckmans Neighbourhood Plan. A neighbourhood plan amendment is required to redesignate the subject lands from "Attached Housing" to "Single & Double" Residential.

COMMENTS RECEIVED:

- The Traffic Division, Department of Public Works and Traffic advised that the proposed change in zoning is satisfactory.

- The Building Department has advised:

  "1. The future lots must conform with the "R-4" District requirements with respect to minimum and average lot width and minimum and average lot area.

  2. All lots must abut upon an established public highway of at least 12.0m in width."

- The Regional Environment Department, has advised that:

  "With respect to your letter dated June 2, 1997, we recommend that a "Holding Provision" be placed on these lands until water and sewer services are extended through the adjacent lands to the south.

  The Region's Transportation Department, Roads Division, have the following comments:

  1. The subject lands can only be developed at such time as Street "A" in Olmsted Park draft plan of subdivision is established and constructed to its full width from Rymal Road East to the east limit of the subject lands.

  2. At such time as the lands develop through the subdivision process, the owner will

be required to pay for all the servicing and roadway costs adjacent to Street "A" in Olmsted Park draft plan of subdivision."

- The Regional Environment Department, Planning Division advised that the proposal conforms with the Hamilton-Wentworth Official Plan.

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

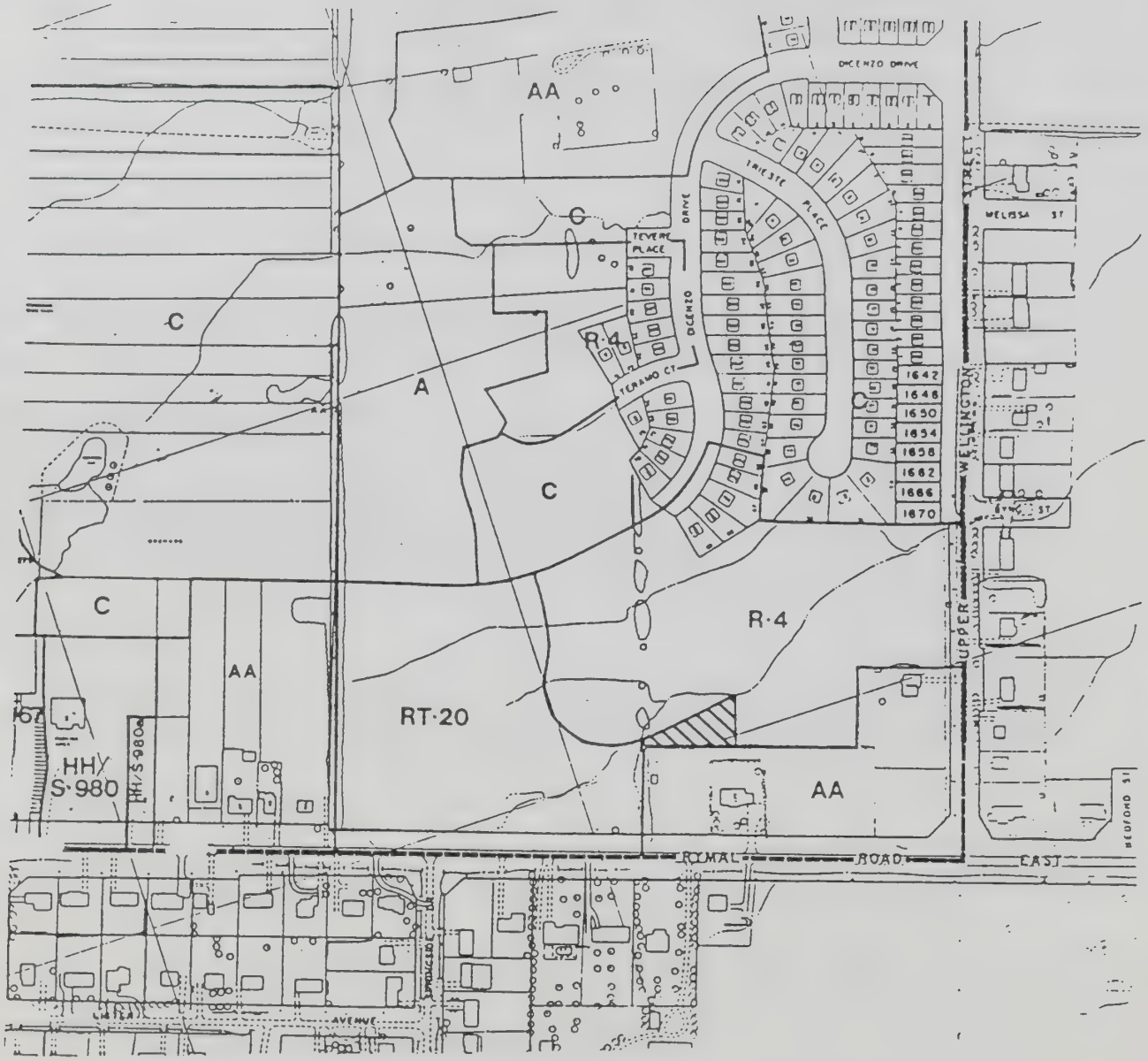
2. The proposal has merit and can be supported in that it would be compatible with existing and future planned residential uses.

3. The proposed change in zoning will allow for comprehensive development to occur in conjunction with the adjacent plan of subdivision "Olmsted Park". The subject lands were originally zoned for block townhouse development but the irregular shape made development of the lands difficult. The proposed change in zoning will permit the development of the subject lands for small lot single family dwellings fronting onto a new street to be constructed as part of the "Olmsted Park" subdivision.

CONCLUSION:

Based on the foregoing, the application can be supported.

SR/sr
ZA-97-23.RPT

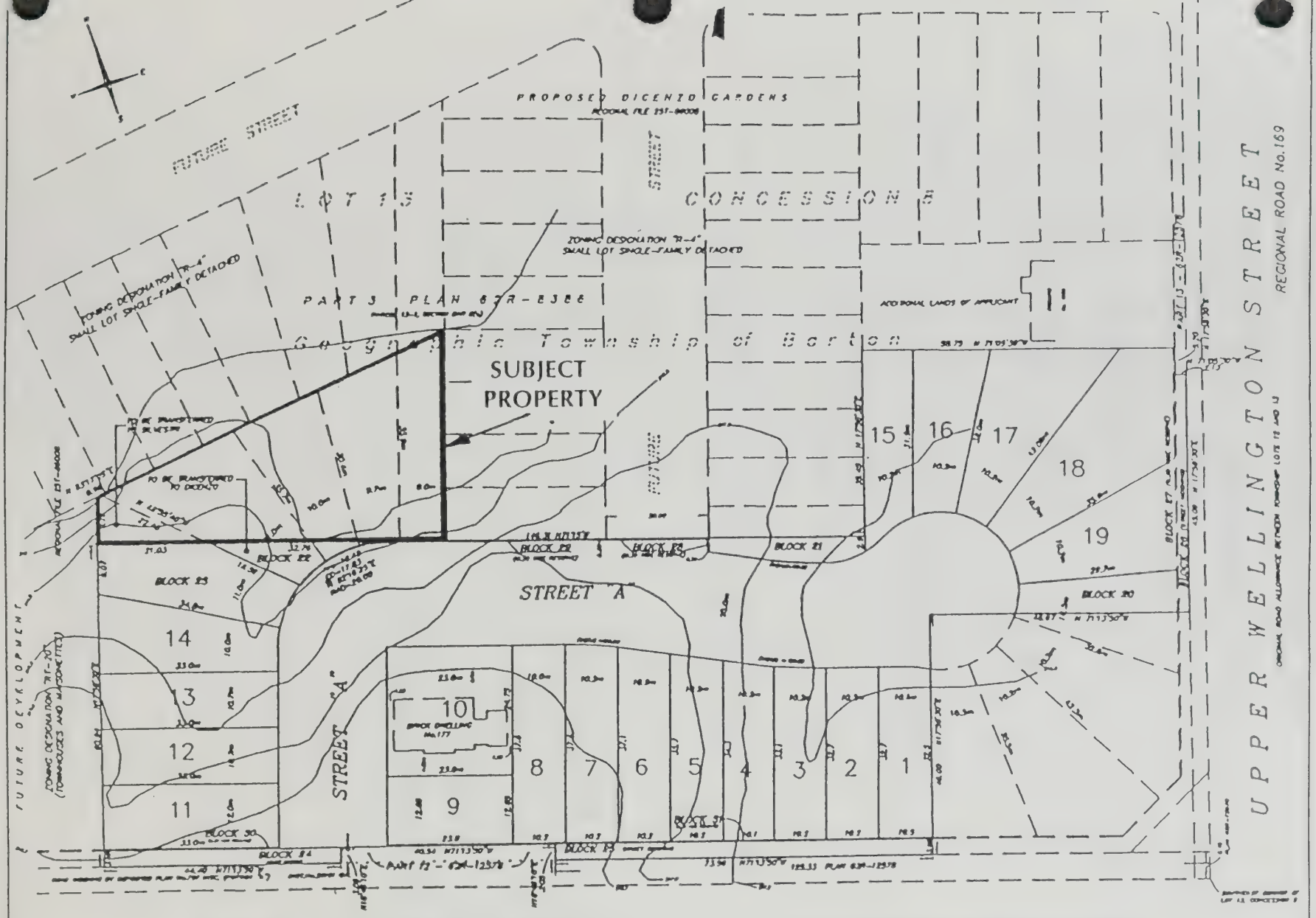


APPENDIX "A"

Legend

Site of the Application

ZAC-97-23



APPENDIX "B"

PROPOSED RED-LINE REVISIONS
OCTOBER 21, 1996

MODIFIED FEB. 28, 1997 BY A. J. CLARKE AND ASSOCIATES LTD.
MODIFIED MARCH 5, 1997 BY A. J. CLARKE AND ASSOCIATES LTD.
MODIFIED APRIL 14, 1997 BY A. J. CLARKE AND ASSOCIATES LTD.

MALY, PIRIE, DAVIN & ASSOCIATES LIMITED

3.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 July 25 AUG 1 3 1
ZAC-97-13
Raleigh Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning for property located between No. 14 and No. 24 East 35th Street.

RECOMMENDATION:

That approval be given to Zoning Application 96-13, Home by Oakbrook (Nick Uhac), owner, for a change in zoning from "E" (Multiple Dwellings, Lodges Clubs, etc.) District to "RT-30" (Street-Townhouse) District modified, to permit the development of the subject lands for 4, three storey townhouses, for property located between No. 14 and No. 24 East 35th Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the lands be rezoned from "E" (Multiple Dwellings, Lodges Clubs, etc.) District to "RT-30" (Street-Townhouse) District;

(ii) That the "RT-30" (Street-Townhouse) District regulations, as contained in Section 13A of Zoning By-law No. 6593, applicable to subject lands, be modified to include the following variances as special provisions:

a) That notwithstanding Section 10F (4) of Zoning By-law No. 6593, the following yards shall be provided and maintained:-

1) a front yard depth of not less than 1.3 m and a 2.3 m depth to the garage;
2) a rear yard depth of not less than 4.7 m; and,
3) a side yard depth of not less than 2.0 m;

b) That notwithstanding Section 10F (6) of Zoning By-law No. 6593, each dwelling unit shall have a minimum lot area of 102.0 m^2 and a minimum lot width of 5.93 m;

c) That notwithstanding Section 18 (9) of Zoning By-law No. 6593, the manoeuvring spaces for the required parking may be provided off-site;

iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S- , and the subject lands on Zoning District Map E-35 be notated S- ;

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-35 for presentation to City Council; and,

(v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "E" (Multiple Dwellings, Lodges Clubs, etc.) District to "RT-30" (Street-Townhouse) District modified for property located between No. 14 and No. 24 East 35th Street, as shown on the attached map.

The effect of the By-law is to permit the development of the subject lads for four (4) - three (3) Storey street townhouses with garages fronting onto East 35th Street. In addition, the By-law provides for the following variances as special requirements:-

- a front yard depth of not less than 1.3 m and a 2.3 m depth to the garage whereas 6.0 m is required;
- a rear yard depth of not less than 4.7 m whereas 7.5 m is required;
- a side yard depth of not less than 2.0 m whereas 2.5 m is required;
- each dwelling unit shall have a minimum lot area of 102.0 m^2 and a minimum unit width of 5.93 m whereas a lot area of 180.0 m^2 and a width of 6.0 m is required; and,
- the manoeuvring spaces for the required parking may be provided off-site.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANT:

Homes by Oakbrook (Nick Uhac), owner.

BACKGROUND:

- Proposal

  The proposal is to build four (4) - three (3) Storey Street townhouses with garages. The applicant intends to sever the lands into four parcels creating four (4) freehold townhouses fronting onto East 35th Street. A land severance application has yet to be filed.

- Committee of Adjustment Applications 95-139, 95-140, 95-141 and 95-142 - 8, 10, 12, 14, 24, 26, 28 & 30 East 35th Street, lands immediately north and south of the subject lands

  At its meeting of September 13, 1995, the Committee of Adjustment granted a request for the necessary minor variances to permit townhouse dwellings immediately north and south of the subject lands to be maintained upon separate parcels of land with minimum lot areas that varied from 101.0 m^2 to 165.0 m^2 instead of the required 180.0 m^2 and the manoeuvring for the required parking spaces would be provided off-site via a boulevard parking agreement.

  The above-mentioned Committee of Adjustment decisions came into effect on October 4, 1995.

- Land Severance Application H-63-95 to H-66-95
  Nos. 8, 10, 12, 14, 24, 26, 28, and 30 East 35th Street

  At its meeting of July 18, 1995, the Land Division Committee approved parallel applications to the above-mentioned Committee of Adjustment applications to create eight (8) freehold townhouses, and merge a 6.096 m (20 ft) block of land with abutting vacant lands (i.e. the subject lands).

  On April 4, 1996, the Region of Hamilton-Wentworth Land Division Committee was advised the owner had satisfied all requirements, financial and otherwise, of the City of Hamilton with respect to the above-noted land severance applications.

LOT SIZE AND AREA:

- 28.71 m (94.19 ft.) of lot frontage on East 35th Street;
- 16.36 m (53.69 ft.) of lot depth; and,
- 405.07 m^2 (2,704.19 S.F.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"E" (Multiple Dwellings, Lodges Clubs, etc.) District
Surrounding Lands		
to the north and south	Street Townhouses	"E" (Multiple Dwellings, Lodges Clubs, etc.) District
to the east	Multiple Dwellings and Single-Family Dwellings	"E" (Multiple Dwellings, Lodges Clubs, etc.) District

OFFICIAL PLAN:

The subject lands are designated ***Residential*** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

In addition, the following policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

There is no approved Plan for the Raleigh Neighbourhood.

RESULTS OF CIRCULARIZATION:

- The following Agencies have no comment or objection:

  - Union Gas; and,
  - Hamilton Region Conservation Authority.

- The Regional Environment Department has advised:

  "There are public watermains and separate storm and sanitary sewers available to service the subject lands.

  Furthermore, they recommend that the front yard setback of the proposed building be a minimum of 2.3 m from the existing road allowance limits of East 35th Street. This will ensure a 6.0 m spaces from the back of the future municipal walkway should the existing pavement width of East 35th Street be reconstructed to 8.3 m from 7.3 m existing."

- The Building Department has advised:

  "1. Each dwelling unit must be at least 6.0 m wide and have minimum lot area of 180.0 m^2. All the dwelling units have 5.93 m widths and have lot areas from 96.6 m^2 up to 139.9 m^2.

  2. The proposed townhouse buildings requires 6.0 m front yard, 7.5 m rear yard and 2.5 m side yard on both sides. The proposed front and rear yards are insufficient.

3. The application indicates that the dimensions of the dwelling units are 5.8 m x 11.2 m, but due to the lot depth and the proposed yards, the dwelling depth is 10.0 m.

4. It appears from the 'typical elevation' that the second and third floor projects beyond the wall face of the first floor. The proposed front yard must be to the closest wall face.

5. The manoeuvring space for each parking space is not provided on site."

- The Public Works and Traffic Department has advised:

"We recommend that the proposed street townhouses be required to provide garages and that the units be setback from the property line to provide a minimum of 6.0 m between the back of the sidewalk and the front of the townhouse. As indicated in the comments provided by the Roads Department, the future back of walk in accordance with the approved standard cross section for local residential streets will be 1.0 m behind the existing sidewalk. Therefore, in order to provide a minimum 6.0 m between the back of the sidewalk and the front of the townhouse following reconstruction, a minimum setback of 2.3 m from the property line would be required.

It should be noted that this additional setback will further reduce the rear yards to 3.7 m. In addition, the future reconstruction of East 35th to the standard cross section will reduce all the front yard parking spaces in front of the dwellings to the north and south of this development to below our preferred standard of 6.0 m."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.

2. The proposal has merit and can be supported for the following reasons:

   - it would be compatible with the existing development in this area. The proposed "RT-30" (Street Townhouses) District is consistent with the established Street Townhouses to the north and the south on East 35th Street; and,

   - it is appropriate infill development within an established residential area.

3. The Building Department has advised that the development will require the following variances as special requirements:-

Yard Setbacks

The following yards are proposed:-

- a front yard depth of not less than 1.3 m and a 2.3 m depth to the garage whereas 6.0 m is required;
- a rear yard depth of not less than 4.7 m whereas 7.5 m is required;
- a side yard depth of not less than 2.0 m whereas 2.5 is required; and,

The above-mentioned yards are similar to the yards of the existing townhouses to the north and south of the subject lands. In addition, it would provide a consistent streetscape along East 35th street.

The 2.3 m setback from the front lot line to the garage will allow for a 6.0 m driveway between the back of the municipal sidewalk and the garage; thereby implementing the Traffic Division's and Regional Environment Department's condition. The applicant has indicated this requirement can be met.

Lot Area and Width

Each dwelling unit shall have a minimum lot area of 102.0 m^2 and a minimum unit width of 5.93 m whereas a lot area of 180.0 m^2 and a width of 6.0 m is required.

The lot areas between the four(4) units will vary, the two (2) interior lots will have a minimum lot area 102.0 m^2 whereas the end units will have a lot area of 129.42 and 133.73 m due to required side yards. The minimum lot area and width is consistent with existing street townhouses (i.e. interior lots) to the north and the south of the subject lands (i.e. Nos. 10 and 12, minimum lot area of 110.0 m^2 and Nos. 26 and 28, minimum lot area of 101.0 m^2 and 102.0 m^2, respectively. In addition, the varied lot sizes provide for better design alternatives for the townhouse units.

Off-site Manoeuvring

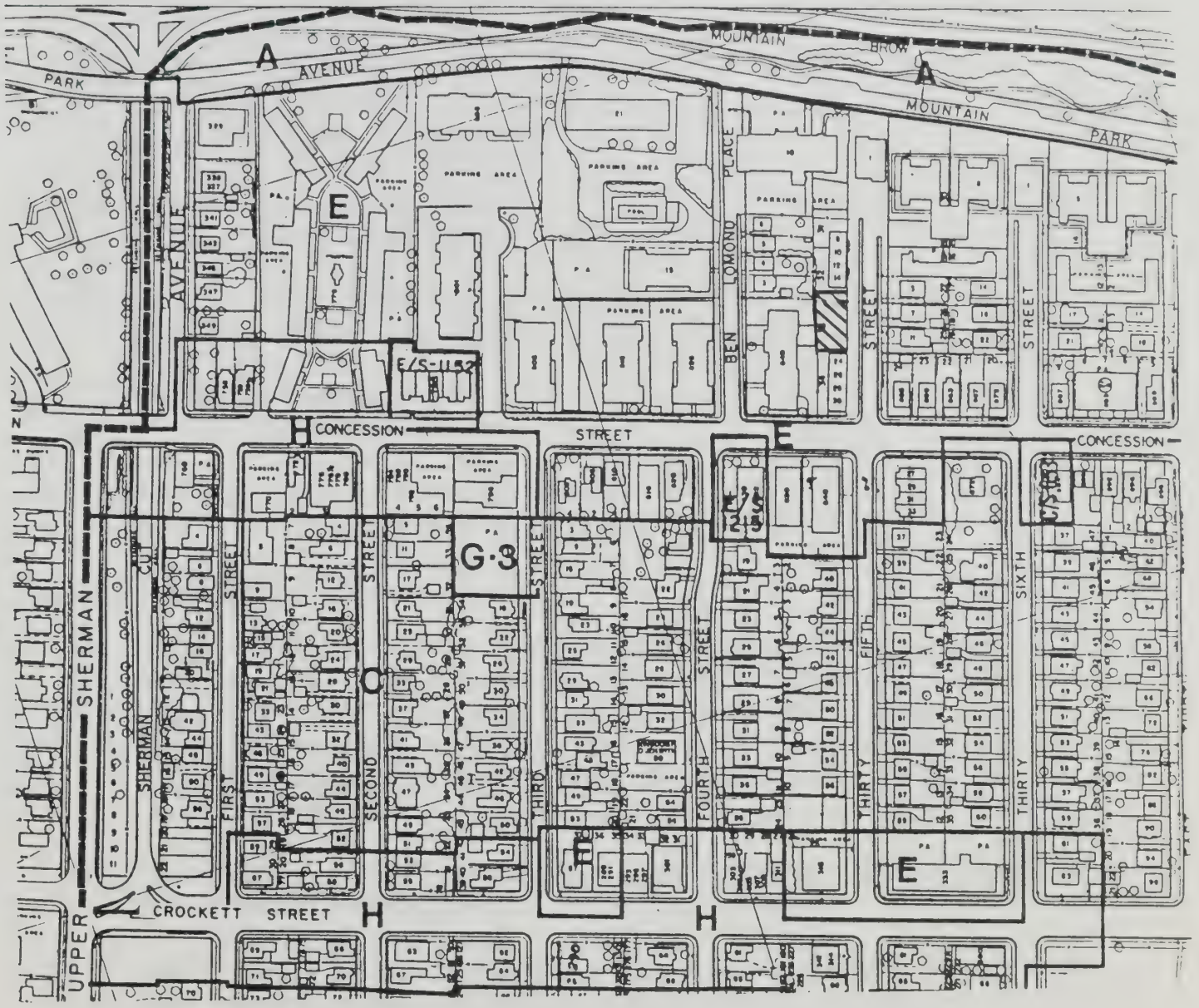
The manoeuvring spaces for the required parking (i.e. garage spaces) will be provided off-site by way of boulevard parking agreements. This variance is consistent with the parking arrangements for the lands north and the south of this property and is supported by the Traffic Department.

4. Furthermore, the "RT-30" (Street-Townhouse) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law 87-223. Matters related to access, parking, landscaping, grading, fencing, lighting, etc. will be further reviewed at the site plan approval stage of development.

CONCLUSION:

Based on the foregoing, the application can be supported.

JL/jl
WPZAC9713



Legend

Site of the Application

ZAC-97-13

4

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 3 19[illegible]

DATE: 1997 August 8
ZAR-97-18
Balfour Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning - Rear lands of 5 Dodson Street which front onto Welbourn Drive and north of McElroy Road East.

RECOMMENDATION:

(a) That approval be given to Zoning Application ZAR-97-18, **Enio Prosperi, Vera Prosperi, Maurio Prosperi and Cesare Prosperi, owners,** requesting a change in zoning from "C" (Urban Protected Residential, etc) District to "R-4" (Small Lot Single Family) District, for the rear lands of 5 Dodson Street which front onto Welbourn Drive and north of McElroy Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the subject lands be rezoned from "C" (Urban Protected Residential, etc) District to "R-4" (Small Lot Single Family) District;

(ii) That the Director of Planning and Development be authorized to prepare a By-law to the satisfaction of the City Solicitor to amend Zoning By-law No. 6593 and Zoning District Map E-8 for presentation to City Council; and,

(iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning for the rear lands of 5 Dodson Street which front onto Welbourn Drive and is north of McElroy Road East, as shown on the attached map.

The effect of the By-law is to permit the development of the subject lands for 3 single family dwellings, each having a minimum lot width of 10.0 m.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The applicants are proposing to change the zoning from "C" District to "R-4" District to permit the creation of 3 building lots for single family dwellings. Each of the proposed lots will have a minimum lot width of 10.0m and a minimum lot area of 306.0 m^2 in accordance with the requirements of the "R-4" District.

Consent Applications H-41-95 and H-42-95

In 1995, the Regional Land Division Committee approved Consent Applications H-41-95 and H-95-42 to create two lots fronting onto Welbourn Street. The Consent application lapsed because the owner did not fulfil all of the conditions of approval within the prescribed one year time period. The proposed lots were to be 15 m wide by 30 m deep. Due to servicing costs, the applicants abandoned the proposal to create 2 lots fronting onto Welbourn Drive.

APPLICANTS:

Enio Prosperi, Vera Prosperi, Maurio Prosperi and Cesare Prosperi, owners.

LOT SIZE AND AREA:

The lands subject to the rezoning application have

- 30.48 m of lot width;
- 33.53 m of lot depth; and
- 1,022 m^2 of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant lands	"C" (Urban Protected Residential, etc) District
Surrounding Land Use		
to the north, south, east and west	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The lands are designated **Residential** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan. The proposed change in zoning complies with the Official Plan.

NEIGHBOURHOOD PLAN:

There is no approved Balfour Neighbourhood Plan.

COMMENTS RECEIVED:

- The Building Department has advised:

  "1. According to our records, land severance H-41-95 and H-42-95 were never finalized. Therefore, Lot 13 (5 Dodson Street) is one parcel of land, which contradicts the survey submitted.

  2. The Building Department's records indicate that as of today's date (June 3, 1997) no applications for land severance have been submitted.

  3. The application for rezoning does not state the specific residential use proposed.

  4. A single family dwelling requires a minimum lot width of 10.0m and a minimum lot area of 306.0 m^2 as per Section 9(A)(2)(c) of Zoning By-law 6593. Cannot state compliance at this time."

- The Regional Environment Department, has advised that:

  "With respect to your letter dated May 7, 1997 we advise that there are public watermains available on both Dodson Street and Welbourn Drive to service the subject lands.

  There are separate storm and sanitary sewers on Welbourn Drive, however there are no sewers on Dodson Street fronting the subject lands.

  For the information of the Committee and the applicant, at such time that the owner

makes application to sever the lands, a condition of severance will be that the owner enter into a Modified Subdivision Agreement with the City of Hamilton and a Service Agreement with the Region. The owner will be required, at his expense, to construct the necessary storm and sanitary sewers on Dodson Street.

The Region's Transportation Department, Road Division, have the following comments.

1. The existing and designated road allowance width of Welbourn Drive is 20.12m. Therefore we do not anticipate any further road allowance widenings at this time.

2. In the absence of any details shown we advise that any works which may occur within the Welbourn Drive road allowance must conform to the City of Hamilton Streets By-law."

- The Hamilton Region Conservation Authority has no objection to the approval of the application.

- The Traffic Division, Department of Public Works and Traffic has advised that they have no comments on the application.

- The Regional Environment Department, Planning Division advised that the proposal conforms with the Hamilton-Wentworth Official Plan.

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

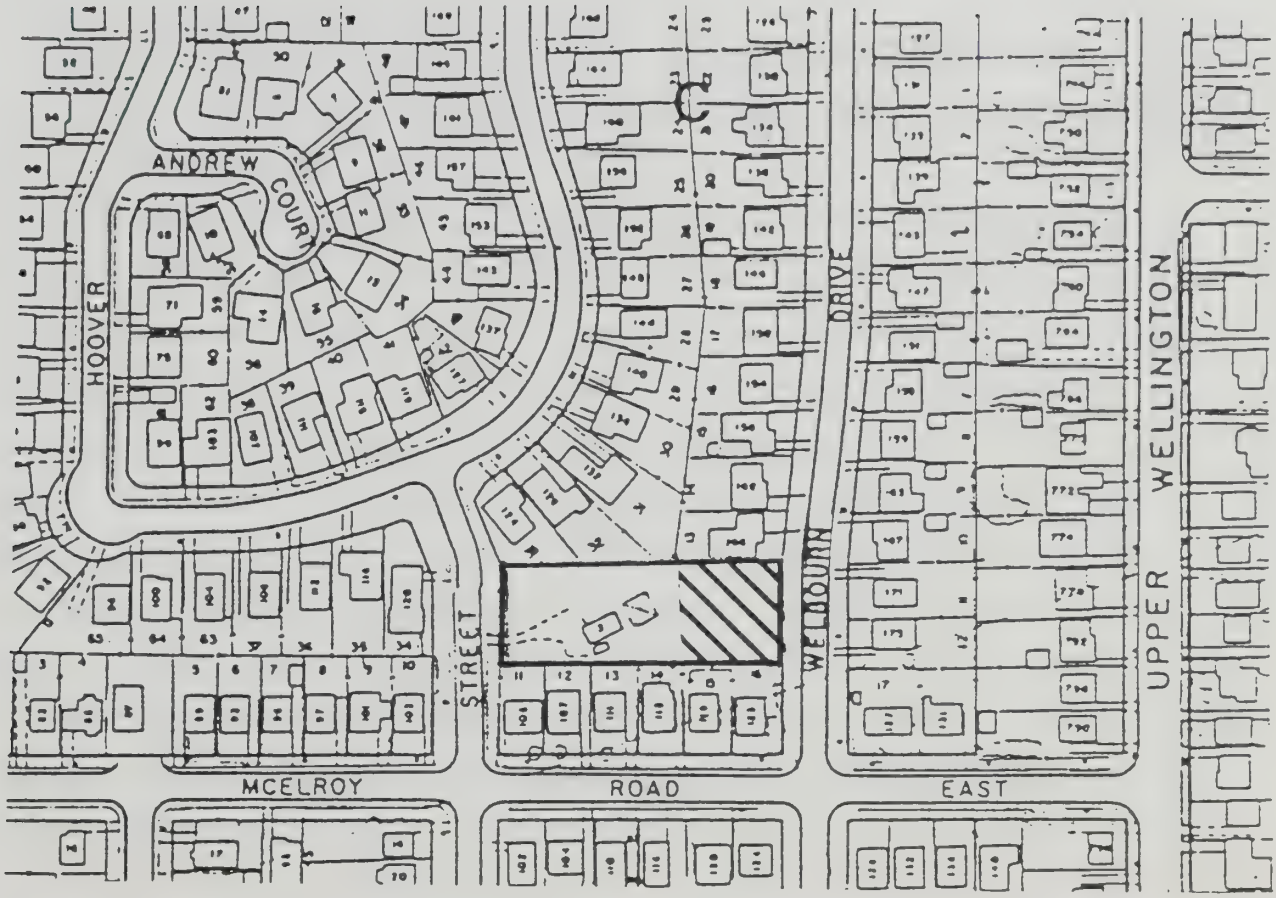
2. The proposal has merit and can be supported in that it will allow for the comprehensive redevelopment of a vacant parcel of land in accordance with the City of Hamilton residential intensification strategy. In addition, the proposed single detached dwellings fit in with the established development pattern of single detached dwellings.

3. The Building Department advised that Lot 13 (5 Dodson Street) is one parcel of land, which contradicts the survey submitted. The survey plan submitted was for information purposes only to show the proposed lots lines. In addition, the required minimum lot width of 10.0m and a minimum lot area of 306.0 m^2 will be confirmed at the time of the application for severance for the subject lands to create 3 building lots.

CONCLUSION:

Based on the foregoing, the application can be supported.

SR/sr
ZA-97-18.RPT



Legend

Site of the Application

ZAR-97-18

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Public Works Department on 1997 Aug 13 TR

4a)

Aug 6, 1997

Re File ZAC or ZAR-97-18 Seq- 60054

AUG 13 1997

Dear Sirs:

I am opposed to this request for a zoning change on the mentioned property for two reasons.

1. these houses will be so close together that it will be like having a row of townhouses except they won't be attached.
2. the balance of this property behind these houses and fronting on Dodson St will be too deep to build regular housing on it; will the owner use this as an excuse to come back in another year with another request for a zoning change?

I want to see the plans for the complete property now, not for just a small strip off one end of it.

This owner knew when he bought the property that he could only build four houses on it; two fronting on Welbourn Drive and two on Dodson Street. I can only assume that he paid too much for the property and he is now trying to recover his money at the inconvenience of the adjacent home owners.

I don't think that this request should be approved; the zoning should stay as is because this is an old established neighbourhood

Thank you,

Lloyd W. Smith
111 McElroy Rd E.
Phone 385-4068

5.

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 3 1997

DATE: 1997 August 12
ZAC-97-04
Kirkendall North Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning - 100 Locke Street South

RECOMMENDATION:

That approval be given to Zoning Application 97-04, by Good Shepherd Non-Profit Housing Corporation, prospective owner, for a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "DE-3" (Multiple Dwellings) District, modified, to permit the development of the subject lands for a three (3) storey, 15 unit apartment building for property located at 100 Locke Street South, shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed zoning district. The holding provision will prohibit the development of the subject lands until such time as the Regional Environment Department has advised in writing that:

a) the applicant has completed "Step 3 - Remedial Work Plan" and "Step 4 - Record of Site Conditions" of the Environmental Assessment and any required works, to the satisfaction of the Regional Environment Department and the Ministry of Environment and Energy.

b) City Council may remove the 'H' symbol, and thereby give effect to the "DE-3" District modified provisions as stipulated in this By-law, by enactment of an amending By-law once this condition has been fulfilled;

ii) That the lands be rezoned from "H" (Community Shopping and Commercial, etc.) District to "DE-3" (Multiple Dwellings) District;

iii) That the "DE-3" (Multiple Dwellings) District regulations, as contained in Section 10C of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:

a) That notwithstanding Section 10C(3), a front yard of a depth of not less than 2.0 m shall be provided and maintained along the entire southerly boundary of the subject lands;

b) That notwithstanding Section 10C(3), a side yard of a depth not less than 2.0 m shall be provided along the entire easterly boundary of the subject lands;

c) That notwithstanding Section 10C(3), a side yard of a depth not less than 4.0 m shall be provided along the entire westerly boundary of the subject lands;

d) That notwithstanding Section 18A.(1) of Zoning By-law No. 6593, not less than 13 parking spaces shall be provided and maintained on the subject lands;

e) That notwithstanding Section 18A.(1) of Zoning By-law No. 6593, no loading space shall be required on the subject lands;

iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S- , and the subject lands on Zoning District Map W-13 be notated S- ;

v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-13 for presentation to City Council;

vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

vii) That upon finalization of the implementing By-law, the approved Kirkendall North Neighbourhood Plan be amended by redesignating the subject lands from "Commercial" to "Low Density Apartments."

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "DE-3" (Multiple Dwellings) District modified for property located at 100 Locke Street South, as shown on the attached key map.

The effect of the By-law is to permit a three (3) storey, 15 unit apartment building with thirteen (13) surface parking spaces. In addition, the By-law provides for the following variances as special requirements:

- to permit a minimum front yard of 2.0 m (6.0 feet) along the southerly lot line of the subject lands whereas 6.9 m (22.63 feet) is required;

- to permit a minimum side yard of 2.0 m (6.0 feet) along the entire easterly lot line of the subject lands whereas 3.0 m (10.0 feet) is required;

- to permit a minimum side yard of 4.0 m (13.0 feet) along the entire westerly lot line of the subject lands whereas 5.77 m (18.93 feet) is required;

- to require 13 parking spaces shall be provided whereas 19 parking spaces are required on the subject lands; and,

- to eliminate the required one (1) loading spaces at 3.7 m x 9.0 m x 4.3 m on site.

The amending By-law applies the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the Regional Environment Department has advised in writing that the applicant has completed "Step 3 - Remedial Work Plan" and "Step 4 - Record of Site Conditions" of the Environmental Assessment and any required works, to the satisfaction of the Regional Environment Department and the Ministry of Environment and Energy.

City Council could remove the 'H' symbol, and thereby give effect to the "DE-3" District, modified provisions as stipulated in the By-law by enactment of an amending By-law once the condition has been fulfilled.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANT:

Good Shepherd Non-Profit Housing Corporation, prospective owner.

BACKGROUND:

- Proposal

  The applicant has applied for a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "DE-3" (Multiple Dwellings) District modified to permit a three (3) storey, 15 unit apartment building with an outside amenity area located at 100 Locke Street South (See Appendix "B").

- Zoning Application 87-69

  On June 5, 1987 an application was received from Casflo Properties Limited, owner, for a modification to the established "H" (Community Shopping and Commercial, etc.) District regulation, to permit a three-storey commercial/residential building (ground floor commercial and 16 residential units on the second and third floors) for the property known as 100 Locke Street South. The proposal was abandoned and the file closed.

LOT SIZE AND AREA:

- 30.059 M (98.61 ft.) of lot frontage on Canada Street;
- 61.034 m (200.24 ft.) of lot depth on Locke Street; and,
- 1,499.99 m^2 (16,146.39 S.F.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"H" (Community Shopping and Commercial, etc.) District
Surrounding Lands		
to the north south and east	Commercial	"H" (Community Shopping and Commercial, etc.) District, modified
to the west	Commercial and Single-Family Dwellings	"H" (Community Shopping and Commercial, etc.) District and "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District

OFFICIAL PLAN:

The subject lands are designated **Commercial - Extended (Ribbon)** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

"2.2.1 The primary uses permitted in the area exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within **COMMERCIAL** areas provided that they have been designated in the Neighbourhood Plan, where one exists:

i) Residential uses subject to the following provisions:

a) access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring **COMMERCIAL USES** are mitigated;

b) any impacts emanating from adjacent **COMMERCIAL USES** which will detract from the amenity of the Residential Use will be minimized;

c) in the case of a Residential use ancillary to a **COMMERCIAL USE**, sufficient amenity space will be provided exclusively for the Residential component and be physically separated from the **COMMERCIAL** component and associated customer parking areas; and,

d) satisfy the provisions of Subsections A.2.1 and C.7.

2.2.17 Residential uses may be permitted within **EXTENDED COMMERCIAL** areas without an amendment to this Plan where they will not restrict or interfere with the function of the primary permitted uses, and subject to the provisions of Policy A.2.2.1 i) and any other related policies as set out in this Subsection.

7.3 Council will encourage a **RESIDENTIAL ENVIRONMENT** of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

iii) Support **RESIDENTIAL** development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural

vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

v) Encourage new **RESIDENTIAL** development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

vi) Support new **RESIDENTIAL** development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;

vii) Encourage non-profit and co-operative housing organizations to provide a range of socially-assisted dwelling units for a variety of client types, in all areas of the City, that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass setbacks, privacy and overview;

ix) Support the concept of a **RESIDENTIAL** community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

That the approved Kirkendall North Neighbourhood Plan designates the subject lands **"COMMERCIAL"**. If approved, a redesignation would be required from "Commercial" to "Low Density Apartments".

RESULTS OF CIRCULARIZATION:

- The following Agencies have no comment or objection:

  - Union Gas; and
  - Hamilton Region Conservation Authority.

- The Regional Environment Department has advised:

  "There are public watermains and separate storm and sanitary sewers available to service the subject lands.

1. According to our records, the existing road allowance width of this section of Locke Street is approximately 20.12 m and the road allowance width of Canada Street and Jackson Street is 15.24 m. Based on the fact that Canada Street is one-way eastbound and that Jackson Street is one-way westbound, we do not anticipate any further road allowance or daylight triangle road widenings at this time.

2. We have reviewed this application on the basis that the building setback from Canada Street is a minimum of 2.0 m and the building setback from Locke Street is minimum of 2.0 m and that the north side of the property will be used for parking purposes.

3. We understand from the City of Hamilton Traffic Division that they are recommending a full two-way access to Locke Street. In order to maximize motorists sight lines entering Locke Street from these lands looking south, we recommend that the access be located as far north as possible. The exact location will depend on the parking layouts, etc. and our suggestion is to position the access a maximum of 12 m south of the Jackson Street road allowance limits. The site plans submitted must be revised and the access should be relocated to parking spaces 10 and 11. These comments were also made in the previous zoning submission.

4. We recommend that minimum 3 m by 3 m (prefer 5 m by 5 m) daylight visibility triangles be established between the accesses to the street and the street lines.

5. We recommend that these lands be developed through site plan control at which time we will provide further comments on grading, landscaping and motorist visibility requirements, etc.

6. In the absence of any other details shown, we advise that any works which may occur within the adjacent road allowances must conform to the respective Streets By-laws."

- The Regional Environment Department (Planning Division) has advised:

"The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan (H.W.O.P.).

The subject lands previously contained a service station, where high potential exists of site contamination. Since residential development is proposed in the future for this site, the proposal must conform to Policy B-2.3 "Contaminated Site Remediation", of the H.W.O.P.

Information submitted by the applicant indicates the site is contaminated. As such, until the required remediation/cleanup work is completed in accordance with Provincial requirements, the proposed rezoning conflicts with the policies of the H.W.O.P.

Therefore, consideration of the approval of the proposed rezoning to permit residential development on the subject lands must address the following:

> That the owner demonstrate that the site is not contaminated and the remediation/cleanup has occurred in accordance with the "Guidelines for use at Contaminated Sites in Ontario - February 1997".

To date, we understand the proponent has completed a Phase 1 & 2 Environment Site Assessments, or "Step 1 - Initial Site Assessment" and "Step 2 - Detailed Site Assessment". The completion of "Step 3 - Remedial Work Plan" and "Step 4 - Record of Site Condition", as outlined in the noted Guideline (attached), is required.

The owner/ consultant will be required to submit the "Record of Site Condition (RSC)", in the form as set out in the noted Guidelines, to the Regional Environment Department and the Ministry of the Environment & Energy (MOEE). The RSC is to be acknowledged by the MOEE. Also, this RSC must be signed by the owner and consultant, prior to consideration of approving the rezoning for this site. If the proponent wishes to proceed with approval of the rezoning prior to submission of the RSC to the Region, then the Municipality should apply a "H" (Holding) provision if permitted in the City's Official Plan".

- The Building Department has advised:

"1. The proposed "DE-3" District requires the following:

A.	Yards	
	Front (Canada Street)	6.9m minimum
	Side (Locke Street)	3.0m minimum
	Side (West)	5.77m minimum
	Rear	4.37m minimum
B.	Height	3 storeys
C.	Gross Floor Area	1363.95m^2 maximum
D.	Landscaped Area	378.88m^2 minimum
E.	Parking Spaces (1.25/unit)	19
F.	Loading Space	1 (3.7m x 9.0m x 4.3m)

- The Public Works and Traffic Department has advised:

  "We do understand that the project is targeted towards deep core subsidized families and is at least partially funded by the Provincial Government. Based on the information provided by the applicant, we can support a reduction the parking and loading requirement for this development.

  With reference to the revised plan, we recommend that the access to Jackson Street be modified to provide a minimum width of 6.0m at the property line to provide sufficient width for a single unit truck to turn into the parking area. In addition, we recommend that the access on Locke Street be modified to provide a minimum width of 7.5m at the property line, as shown on the attached plan. The final detailed design of the parking and access will be dealt with through the site plan control process."

- The Treasury Department has advised:

  "This property has been registered with a Tax Lien..."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.

2. The proposal if approved, would require a Neighbourhood Plan amendment to redesignate the subject lands from "Commercial" to "Low Density Apartments" on the approved Kirkendall North Neighbourhood Plan.

3. The proposal has merit and can be supported for the following reasons:

   - it would be compatible and complementary to the existing development in this area, which is a mix of commercial and residential uses;
   - it is located in close proximity to public transit routes, community facilities and shopping facilities, etc.
   - the proposed development will provide outdoor amenity space for use by the residents of the development;
   - it will be a visual and aesthetic improvement to the existing vacant site; and,
   - it will provide for affordable housing opportunities in the city.

4. The Building Department has reviewed a preliminary site plan (see Appendix "B") and has advised the development will require the following variances as special requirements:

Yards

The following yards have been proposed for the proposed three (3) storey brick building:

- a front yard of a depth of 2.0 m (6 ft.) along the southerly boundary (i.e. Canada Street) whereas 6.9 m is required;

- a side yard depth of 2.0 m along the easterly boundary (i.e. Locke Street) whereas 3.0 m is required;

- a side yard depth of 4.0 m along the westerly boundary whereas 4.37 m is required.

The above-mentioned yards are consistent with established yard setbacks in the area (i.e. zero front setbacks for commercial development along Locke Street South and a minimal to zero setbacks for residential housing on Canada Street). Furthermore, although the north west corner of the building is proposed to be 4.0 m from the westerly property boundary, the majority of the building will be approximately 12.0 m from that lot line.

Parking and Loading Spaces

The development will provide thirteen (13) parking spaces and no loading spaces whereas the "DE-3" District provisions requires nineteen (19) parking spaces and one (1) loading space at 3.7 m x 9.0 m x 4.3 m on site. However, based on the information provided by the applicant to the Traffic Division, regarding the tenant occupancy (i.e. deep core subsidized families) the Traffic Division supports the reduction in parking and loading spaces.

5. Given the Regional Environment Department's comments regarding the need to complete "Step 3 - Remedial Work Plan" and "Step 4 - Record of Site Conditions" of the Environmental Assessment, it is appropriate to apply the holding provisions of the Planning Act, R.S.O., to the subject lands.

The holding provision will prohibit the development of the subject lands until such time as the Regional Environment Department has advised in writing that the applicant has completed "Step 3 - Remedial Work Plan" and "Step 4 - Record of Site Conditions" of the Environmental Assessment and any required works, to the satisfaction of the Regional Environment Department and the Ministry of Environment and Energy.

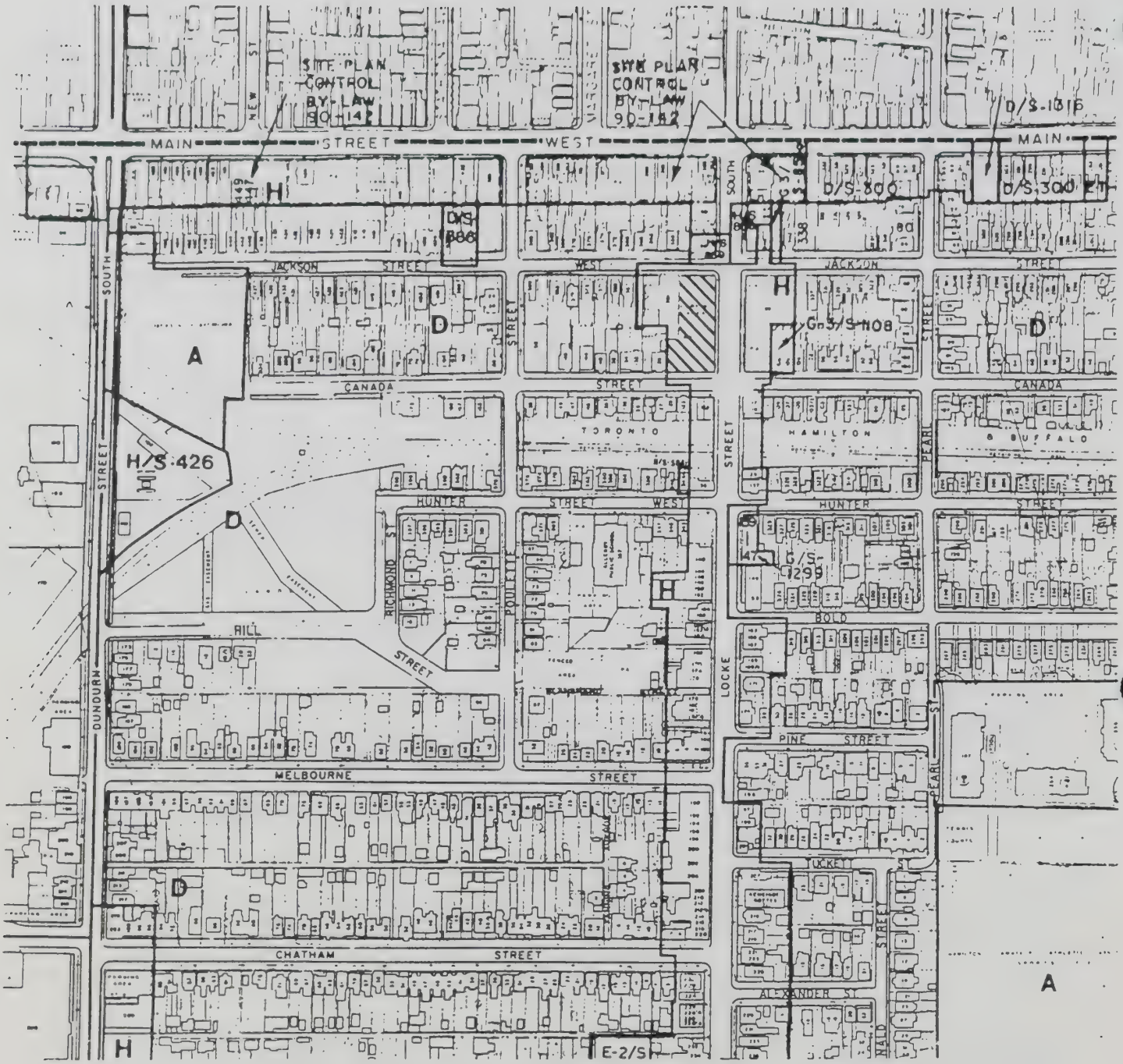
City Council could remove the 'H' symbol, and thereby give effect to the "DE-3" District, modified provisions as stipulated in the By-law by enactment of an amending By-law once the condition was fulfilled.

6. Furthermore, the "DE-3" (Multiple Dwellings) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law 87-223. Matters related to access, parking layout, landscaping, grading, fencing, lighting, etc. will be further reviewed at the site plan approval stage of development.

CONCLUSION:

Based on the foregoing, the application can be supported.

JL/jl
WPZAC9704

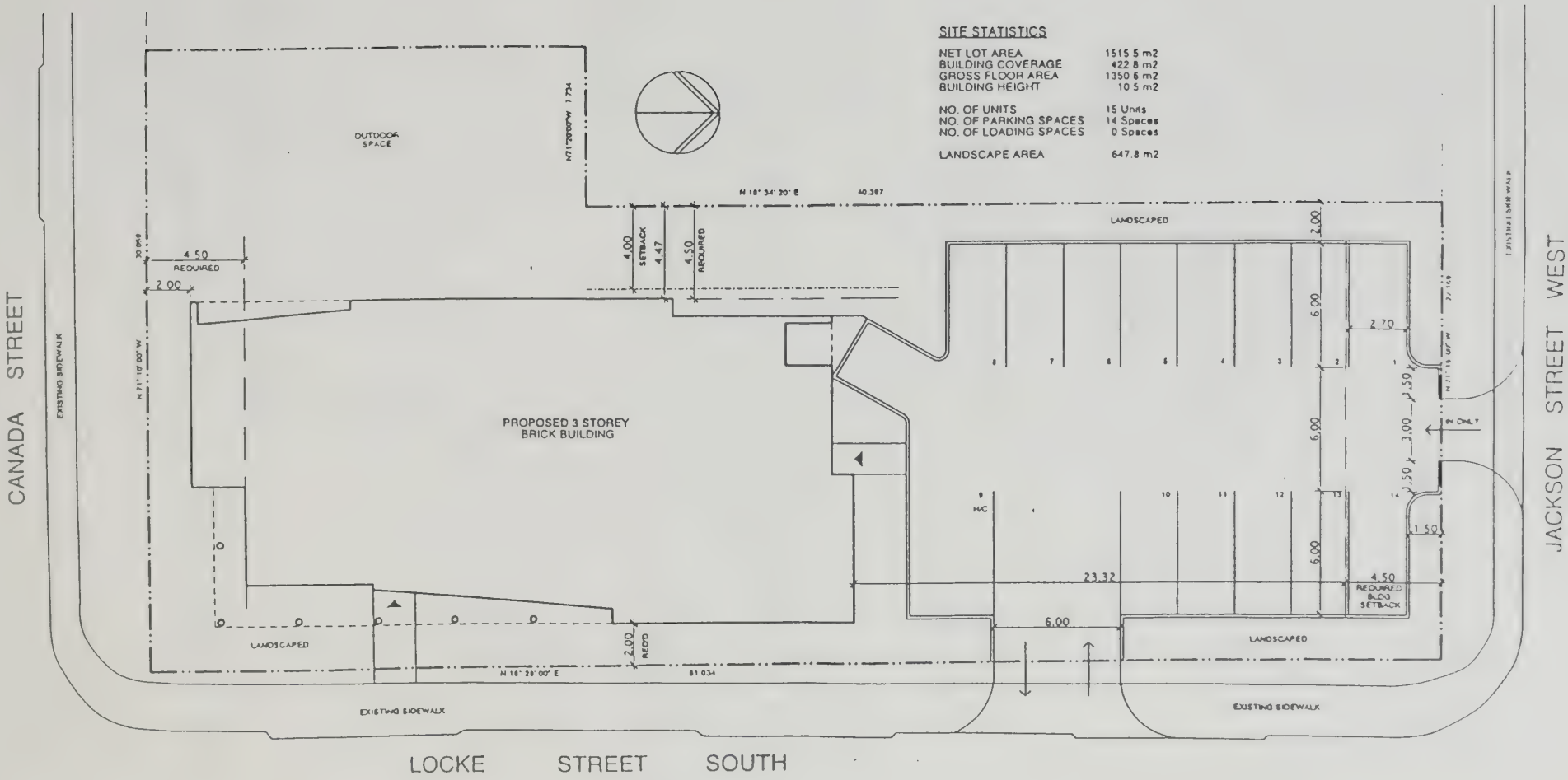


Legend

Site of the Application

ZAC-97-04

APPENDIX A



SITE PLAN
1:200

McCallum Sather Architects Inc.

Project: 96-08(L)
March 5, 1997

APPENDIX B

6.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 August 7 AUG 1 3 1997
(CD-97-002)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

SUBJECT:

Rental Housing Protection Act Application CD-97-002 -
21 Kendale Court, Rolston Neighbourhood

RECOMMENDATION:

That Application CD-97-002, under the Rental Housing Protection Act, Kendale (11-21) Inc., owner, for conversion of 101 rental apartment units to condominium units for the property located at 21 Kendale Court, be **DENIED** for the following reason:

i) Removal of the units from the rental marketplace would adversely affect the overall rental apartment vacancy rate and the vacancy rate by specific bedroom type within the Hamilton Mountain Zone.

V. J. Abraham

J. G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The cost of processing this application is paid for by the applicant through the application fees.

BACKGROUND:

Owner

Kendale (11-21) Inc., owner.

Existing Building

The subject property contains 101 apartment units. The units are comprised of 2, one-bedroom units, 68, two-bedroom units and 31, three-bedroom units. As of April 1, 1997, thirty-two (32) of the units in the building were vacant.

Nature of the Application

An application under the Ontario Rental Housing Protection Act (RHPA) for the property at 21 Kendale Court was submitted to the City on April 30, 1997. The location of the subject property is shown on the attached key map. The proposal is to convert 101 apartment units to condominium. The applicant has indicated the units will be sold to tenants for the following prices: one-bedroom units, $44,900: two-bedroom units, $54,900; and three-bedroom units, $64,900.

Proposed Conversion Details

The application submitted includes details of the renovations to be undertaken. These include the following:

1. New thermal double-glazed windows.
2. New playground equipment.
3. New carpet in the halls and corridors.
4. Balcony repairs and re-painting.
5. Brick replacement and repointing.
6. Bathtubs to be reglazed as required.
7. Bathroom tiles repaired as required.

The applicant has indicated in a letter to the tenants dated July 30, 1997 that:

> "As an existing resident in good standing, you are considered pre-approved for the special terms:
>
> - Purchase with the minimum deposit (10%) and a monthly all-inclusive carrying cost of less than your current rent;
>
> or
>
> - Purchase with no deposit and a monthly all-inclusive carrying cost of only slightly more than your current rent;

or

- Remain as a residential tenant at 21 Kendale in accordance with your current lease for up to three (3) years. Should we require your suite after three (3) years), we will offer you an equivalent suite, subject to availability, at 11 Kendale Court with you moving expenses paid by us."

Rent Details

The monthly rental charges for the occupied units, effective April, 1997, are as follows:

- One-bedroom units range between $560 and $591 with an average rent of $575.50;
- Two-bedroom units range between $599 and $767 with an average rent of $669.19; and,
- Three-bedroom units range between $749 and $881 with an average rent of $763.44.

APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental housing units including renovations, conversion to condominium, conversion to other uses, demolitions and severances. The rental apartment units at 21 Kendale Court are subject to the Act since the applicant intends to convert the apartment units to condominium status. The Act notes that Council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:

i) the building is structurally unsound;
ii) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar quality and rent in the same area; and/or,
iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

Criteria i) is not applicable as the applicant is seeking to convert the existing building to condominium status.

Criteria ii) is not applicable as the applicant is not providing any new rental units.

Therefore, Council may approve this application if, as noted by the Province, "it is of the opinion that the loss of these 101 affordable rental units would not constitute an adverse effect on the supply of affordable rental housing" in Hamilton. The Province has added that "if Council decides to approve the application, Council may wish to use the provisions of section 11(7) and 12 of the Rental Housing Protection Act to impose reasonable conditions on approval, to enter into agreements with the applicant concerning fulfilment of these conditions, and to register these agreements against title to the property."

The Province further notes "suitable conditions in this situation might include:

- provision of a first right of refusal to all tenants interested in purchasing their unit.

- pricing of units for sale to tenants at the levels set out in the application.
- provision to tenants who do not wish to purchase of a period of security of tenure from eviction by the applicant or a subsequent purchaser of a condominium on the grounds of personal possession under section 103 of the Landlord and Tenant Act and on the grounds of renovation and repair, conversion of use, or demolition under section 105 of the Landlord and Tenant Act.
- conduct of a structural audit and reserve fund analysis to the satisfaction of the municipality, and provision of a copy of this report free of charge to prospective purchasers before they enter into binding agreements of purchase and sale."

ANALYSIS OF IMPACT/EFFECT ON THE RENTAL HOUSING MARKETPLACE:

City Council may approve the application through Regulation O.Reg. 524/94 of the Rental Housing Protection Act if, in Council's opinion, the removal of these 101 rental units will not adversely affect the supply of affordable rental housing in the City. In June, 1995, the Planning and Development Department submitted an Information Report to the Planning and Development Committee regarding the evaluation of applications for condominium conversion. The report outlined the criteria that will be used in evaluating applications and determining the staff recommendation. The criteria are in two groups: "Essential Criteria" and "Criteria for Which Conditions May be Instituted". The following is a list of the criteria in each group:

Essential Criteria:

1. The vacancy rate within the City of Hamilton for all units should be at least two percent.
2. The vacancy rate within the particular Canada Mortgage and Housing Corporation (hereafter referred to as "CMHC") Zone should be at least two percent (for all units).
3. The vacancy rate for the specific bedroom type should be at least two percent within the City and the zone.
4. The impact of conversion on the vacancy rates will be examined to ensure that vacancy rates will not be significantly impacted.
5. The rental pricing will be examined to review whether the units are priced significantly less than comparable units in the City and the zone.

Criteria for Which Conditions May be Instituted:

1. The availability of potential alternative rental accommodation will be reviewed in terms of bedroom type and monthly rental charge.
2. The affordability of the units will be examined in terms of affordability as ownership and rental units.
3. The monthly carrying costs will be examined to compare the monthly costs as rental and ownership units.

Rental Market Statistics Sources:

Current and historical data from the semi-annual Canada Mortgage and Housing Corporation Rental Market Report is used to evaluate the above-noted criteria. CMHC has divided the City into seven geographic zones; the subject property is located within "Zone 6 - Hamilton Mountain Zone" which is bounded by the Escarpment to north and the City of Hamilton boundaries to the west, south and east. The CMHC survey data is generally regarded as the definitive source of rental housing market statistics within Hamilton and across Ontario.

The most recent CMHC Rental Market Survey is from October, 1996. It should be noted that CMHC staff have advised that at the time of this rental market survey, the previous owner of 21 Kendale Court indicated to CMHC there were no vacant units in the building. Further, it was also reported to CMHC there were no vacant units within the adjacent apartment building at 11 Kendale Court which was held by the same previous owner.

Subsequent to the release and publication of the October, 1996 Rental Market Survey, the current applicant and new owner recently informed City staff and CMHC staff (August 5, 1997) that there were in fact a number of vacant units present in both buildings at the time of the survey that were not reported to CMHC. The vacant units, as indicated by the applicant, as of October, 1996 were as follows:

	11 Kendale Court	21 Kendale Court	Total
One-Bedroom	0	0	0
Two-Bedroom	21	31	52
Three-Bedroom	8	7	15
Total	29	38	67

As a result of this recent information, both the published CMHC rental market statistics from the October, 1996 Rental Market Survey and the same CMHC statistics revised to include the 67 vacant units as reported by the applicant are noted within this report.

Essential Criteria

Vacancy Rates - All Unit Types

The overall rental apartment vacancy rate for the City, in apartments with 6 units or more, was recorded at 2.45 percent in October, 1996. The vacancy rate for the Hamilton Mountain Zone was 1.31 percent (all bedroom types). The vacancy rate in the Hamilton Mountain Zone has been recorded at below 2.0 percent since October, 1977. A vacancy rate between 2.0 percent and 3.0 percent is considered by CMHC as indicative of a healthy, competitive rental marketplace in a municipality.

Based on information provided by the applicant, the additional 67 vacant units included within the October, 1996 CMHC statistics would increase the overall vacancy rate. By adding the 67 vacant units to the overall rental marketplace statistics compiled by CMHC, the vacancy rate for the City would increase to 2.66 percent (from 2.45 percent) while the Hamilton Mountain Zone vacancy rate would increase to 2.25 percent (from 1.31 percent).

At 21 Kendale Court, the vacancy rate is equivalent to 37.6 percent. It is not clear why the rental vacancy rate at 21 Kendale Court is significantly higher than the vacancy rate for the surrounding Hamilton Mountain zone and the City of Hamilton.

Vacancy Rates - Apartment Units

The following table shows the vacancy rate in apartments with 6 units or more, by bedroom type, for the City as a whole and the Hamilton Mountain Zone as of October, 1996, which are the latest available statistics. The numbers in the brackets are the vacancy rates including the additional 67 vacant units as reported by the applicant.

Bedroom Type	**City of Hamilton Vacancy Rate**	**Hamilton Mountain Vacancy Rate**
One-Bedroom	2.5% (2.5%)	1.8% (1.8%)
Two-Bedroom	2.3% (2.7%)	0.9% (2.5%)
Three-Bedroom	0.8% (2.0%)	0.5% (4.6%)

The vacancy rates for the City for one- and two-bedroom units are above two percent; three bedroom units are below 2.0 percent. The vacancy rates for all bedroom types in the Hamilton Mountain Zone are below two percent based on the CMHC data exclusively. Adding the 67 vacant units of 11 and 21 Kendale Court has the effect of increasing the vacancy rate for two- and three-bedroom units above 2.0 percent.

Impact of Conversion on Vacancy Rate

Analysis of the change in the vacancy rate for the City, the Hamilton Mountain Zone, for all units and by bedroom type, is used to determine if the conversion to condominium will negatively impact the apartment vacancy rate within the City and the particular market zone.

Utilizing the published CMHC statistics from the October, 1996 Rental Market Survey, the impact on the vacancy rate is negligible at the City and CMHC Zone level as no vacant units were reported.

The impact on the vacancy rate with the addition of the 67 vacant units to the published CMHC figures and then mathematically removing the 101 total units and 38 vacant units from 21 Kendale Court is shown in the following table on page 7.

Geographic Area	Bedroom Type	Before Conversion Vacancy Rate	After Conversion Vacancy Rate
City of Hamilton	All Units	2.66%	2.55%
City of Hamilton	One-Bedroom	2.52%	2.52%
City of Hamilton	Two-Bedroom	2.69%	2.46%
City of Hamilton	Three-Bedroom	2.04%	1.49%
Zone 6-Hamilton Mountain	All Units	2.25%	1.74%
Zone 6-Hamilton Mountain	One-Bedroom	1.82%	1.82%
Zone 6-Hamilton Mountain	Two-Bedroom	2.48%	1.59%
Zone 6-Hamilton Mountain	Three-Bedroom	4.56%	2.92%

As 21 Kendale Court has recorded an extremely high vacancy rate compared to the City of Hamilton and the Hamilton Mountain Zone, the impact on the overall rental marketplace in removing these units is significant. The rental apartment vacancy rates within the Hamilton Mountain Zone would decrease markedly. The effect of removing 21 Kendale Court from the overall rental marketplace would be to lower the rental apartment vacancy rate below the 2.0 percent level.

Rental Pricing

Average Rent Levels

Bedroom Type	City Wide Average Rent (Oct/96)	Hamilton Mountain Average Rent (Oct/96)	21 Kendale Court Average Rent (Apr/97)
One-Bedroom	$485	$497	$575.50
Two-Bedroom	$594	$592	$669.19
Three-Bedroom	$728	$758	$763.44

The average monthly rents for 21 Kendale Court are as of April, 1997 (due to data availability) as opposed to the City and Hamilton Mountain average monthly rents which are as of October, 1996. However, for 51 of the 69 units currently occupied within 21 Kendale Court, the average monthly rent being charged as of April, 1997 was the exact same being charged as of October, 1996. Therefore, there is likely minimal discrepancy in comparing average monthly rents despite the October, 1996 to April, 1997 time lag.

The average monthly rent charges for 21 Kendale Court are higher than the City of Hamilton average levels and the Zone 6 - Hamilton Mountain average rent levels.

Impact on Overall Supply of Rental Housing

The removal of the 101 units in this building will reduce the rental stock in the City and the Hamilton Mountain Zone. The following table shows the rental stock by bedroom type and the impact of removing these units from the overall rental supply.

Geographic Area	Bedroom Type	Rental Stock	% Reduction of Rental Stock
City of Hamilton	All Units	30,815	-0.33%
City of Hamilton	One-Bedroom	14,925	-0.01%
City of Hamilton	Two-Bedroom	12,794	-0.53%
City of Hamilton	Three-Bedroom	1,174	-2.71%
Zone 6 - Hamilton Mountain	All Units	7,166	-1.43%
Zone 6 - Hamilton Mountain	One-Bedroom	3,189	-0.06%
Zone 6 - Hamilton Mountain	Two-Bedroom	3,345	-2.08%
Zone 6 - Hamilton Mountain	Three-Bedroom	373	-9.06%

The percentage reductions are small for the City by bedroom type, with the exception of three-bedroom which will decline by 2.71 percent. Within the Hamilton Mountain Zone, the largest impact is a 9.06 percent reduction of the three-bedroom rental stock.

Criteria for Which Conditions May be Instituted

Potential Alternative Accommodation

A review was undertaken of the total number of vacant apartment units within Zone 6 - Hamilton Mountain by monthly rent range as recorded by CMHC. This determines the extent or availability of similarly priced rental accommodation within the same general geographic area of the subject property. The table on the following page shows the actual distribution of occupied rental units within 21 Kendale Court by their monthly rental charge (information provided by the applicant) compared to the number of vacant rental apartment units in the Hamilton Mountain Zone as reported by CMHC as of October, 1996 (11 and 21 Kendale Court were reported to CMHC as having no vacant units).

Rent Range	Kendale Occupied 1-Bed	Mountain Vacant 1-Bed	Kendale Occupied 2-Bed	Mountain Vacant 2-Bed	Kendale Occupied 3-Bed	Mountain Vacant 3-Bed
$540-579	1	**		**		
$580-619	1	**	7	**		
$620-659			21	19		
$660-699			6			
$700-739			2			**
$740-799			9		20	
$800-899					2	**
Total	2	58	45	31	22	2

** - Data suppressed by CMHC due to confidentiality and/or small numbers.

It should be noted that 38 units within 21 Kendale Court were vacant according to information supplied by the applicant (as of October, 1996). In addition, the applicant has indicated that any tenants who may be displaced because of the conversion would be accommodated at an adjacent building located at 11 Kendale Court, which had 29 vacant units as of October, 1996. As a result, it appears tenants would have an adequate choice in securing alternative rental accommodation.

Affordability of Units

In the past, a review of the rents for proposals for condominium conversion has been carried out to determine the affordability of the units. The review involved comparing the average rents to the affordable rents defined under the Income and Affordable Housing Price Data Information Bulletin (1995) that formed part of the Comprehensive Set of Policy Statements. With the passage of Bill 20, the Province has changed the policies relative to affordable housing and no longer releases information on affordable house prices. However, a review of the rents indicates that these units would be affordable to persons earning a minimum of $23,020 (One-bedroom); $26,768 (Two-bedroom); and $30,538 (Three-bedroom).

Monthly Carrying Costs

A review of the monthly carrying costs for a tenant purchasing a unit is based on the following assumptions:

1. A downpayment of 10 percent;
2. Prevailing mortgage interest rates (1-Year - 5.65%, 3-Year - 6.50% and 5-Year 7.00%);

3. An amortization of 25 years;
4. Property taxes at approximately $125 per month; and,
5. A purchase price of $44,900 for one-bedroom units; $54,900 for two-bedroom units; and $64,900 for three-bedroom units (as indicated by the applicant).

Bedroom Type	Mortgage Term	Principal, Interest & Taxes (PIT)	Variation from Actual Average Rent
One-Bedroom	One Year	$375	-$201 ($576)
One-Bedroom	Three Year	$396	-$180 ($576)
One-Bedroom	Five Year	$408	-$168 ($576)
Two-Bedroom	One Year	$431	-$238 ($669)
Two-Bedroom	Three Year	$456	-$213 ($669)
Two-Bedroom	Five Year	$471	-$198 ($669)
Three-Bedroom	One Year	$487	-$276 ($763)
Three-Bedroom	Three Year	$516	-$247 ($763)
Three-Bedroom	Five Year	$534	-$229 ($763)

Based on the above table, the units are significantly more "affordable" as owner-occupied compared to the actual average rent. It should be noted that monthly condominium fees have not been included in the above estimates. The applicant has estimated these monthly fees as follows: one-bedroom - $120; two-bedroom - $160; and, three-bedroom - $200.

Summary

Based on the published October, 1996 CMHC statistics, the rental apartment vacancy rate at the City of Hamilton level has been above 2.0 percent since April, 1992. However, the overall City vacancy rate masks different vacancy rate trends for smaller geographic areas within the City. The subject property, 21 Kendale Court, is situated within CMHC's Hamilton Mountain Zone (Zone 6). As of October, 1996, the vacancy rate in this zone was recorded at 1.3 percent, a slight increase from the 1.0 percent level recorded in October, 1995. Since October, 1977, the vacancy rate has been below 2.0 percent in the Hamilton Mountain Zone.

Because of the discrepancy between the number of units recorded as "vacant" for the October, 1996 Rental Market Survey, the actual vacancy rate for the City and the Hamilton Mountain zone is higher than the published figures. Adding the 67 units for 11 and 21 Kendale Court that the applicant has indicated were in fact vacant as of October, 1996, raises the City vacancy rate from 2.45 percent to 2.66 percent and the Hamilton Mountain vacancy rate increases from 1.31 percent to 2.25 percent.

As 21 Kendale Court has recorded a large number of vacant units and therefore a high vacancy rate in contrast to the Hamilton Mountain and the City of Hamilton, removal of these units would adversely impact the rental apartment vacancy rates in the Hamilton Mountain zone. The overall rental apartment vacancy rate would decline to 1.74 percent from 2.25 percent, which is below the 2.0 percent level. In addition, the vacancy rate for both one and two-bedroom units on the Hamilton Mountain would be below the 2.0 percent level as well. A vacancy rate between 2.0 percent and 3.0 percent is considered as indicative of a healthy, competitive rental marketplace.

Accordingly, the proposal does not satisfy the evaluation criteria established by staff to assess the merits of proposed condominium conversions. Therefore, the proposal to convert the 101 rental units at 21 Kendale Court to condominium would adversely affect the supply of affordable rental housing within the municipality.

IMPACT ON EXISTING TENANTS:

Some of the anticipated impacts on existing tenants have been noted in the preceding discussion. There is a supply of vacant alternative rental units within 21 Kendale Court for tenants. Further, as noted previously, according to correspondence to the tenants dated July 30, 1997, tenants can "remain as a residential tenant at 21 Kendale in accordance with your current lease for up to three (3) years. Should we require your suite after three (3) years), we will offer you an equivalent suite, subject to availability, at 11 Kendale Court with you moving expenses paid by us."

TENANT INFORMATION MEETING:

On July 7, 1997, a tenant information meeting was held at 21 Kendale Court with the tenants, the applicant, the two Ward Alderman, and staff of the Planning and Development Department. There were 22 tenants present from the building. Concerns raised at the meeting centred on potential financing of the proposed condominium units and general questions on maintenance and upkeep of the building and individual units in a condominium ownership setting.

After this meeting, ten "submission/comment sheets" were returned: three tenants indicated they were in favour of the proposed conversion; four indicated they were opposed and three were undecided. Written comments by tenants included concerns about not being able to afford the units and the unsuitability of the building for condominium because of its age, suite layout and general condition.

TENANT SURVEY RESULTS:

In tandem with the notification procedures for a public meeting concerning Rental Housing Protection Act applications, a brief survey questionnaire is forwarded by the City to all tenants seeking their opinions on the proposed conversion to condominium. As of August 7, 1997, a total of 3 surveys were returned with the following results:

1. Are you...	in favour of the proposal? -	0
	opposed to the proposal? -	2
	undecided? -	1
2. Do you...	intend to purchase a unit? -	0
	prefer to remain as a tenant? -	3
	undecided? -	0

COMMENTS:

City Council may approve the application through Regulation O.Reg. 524/94 of the Rental Housing Protection Act if, in Council's opinion, the removal of these 101 rental units will not adversely affect the supply of affordable rental housing in the City. Based on a review of several rental housing market indicators, it is evident that the removal of these 101 rental units will adversely affect the supply of affordable rental housing in the City by lowering the rental apartment vacancy rate within the Hamilton Mountain zone to under 2.0 percent. An apartment vacancy rate between 2.0 percent and 3.0 percent is considered by CMHC as indicative of a healthy, competitive rental marketplace.

For the information of the Committee, the application was circulated to various agencies for comments. The comments received were as follows:

- Building Department:
  "1. The recognized use is a 101 unit multiple dwelling with a minimum 127 parking spaces at grade.
  2. A minimum of twenty-six (26) parking spaces must be signed **"VISITORS ONLY"**."

- Treasury Department: the property taxes for the site are currently paid; and,

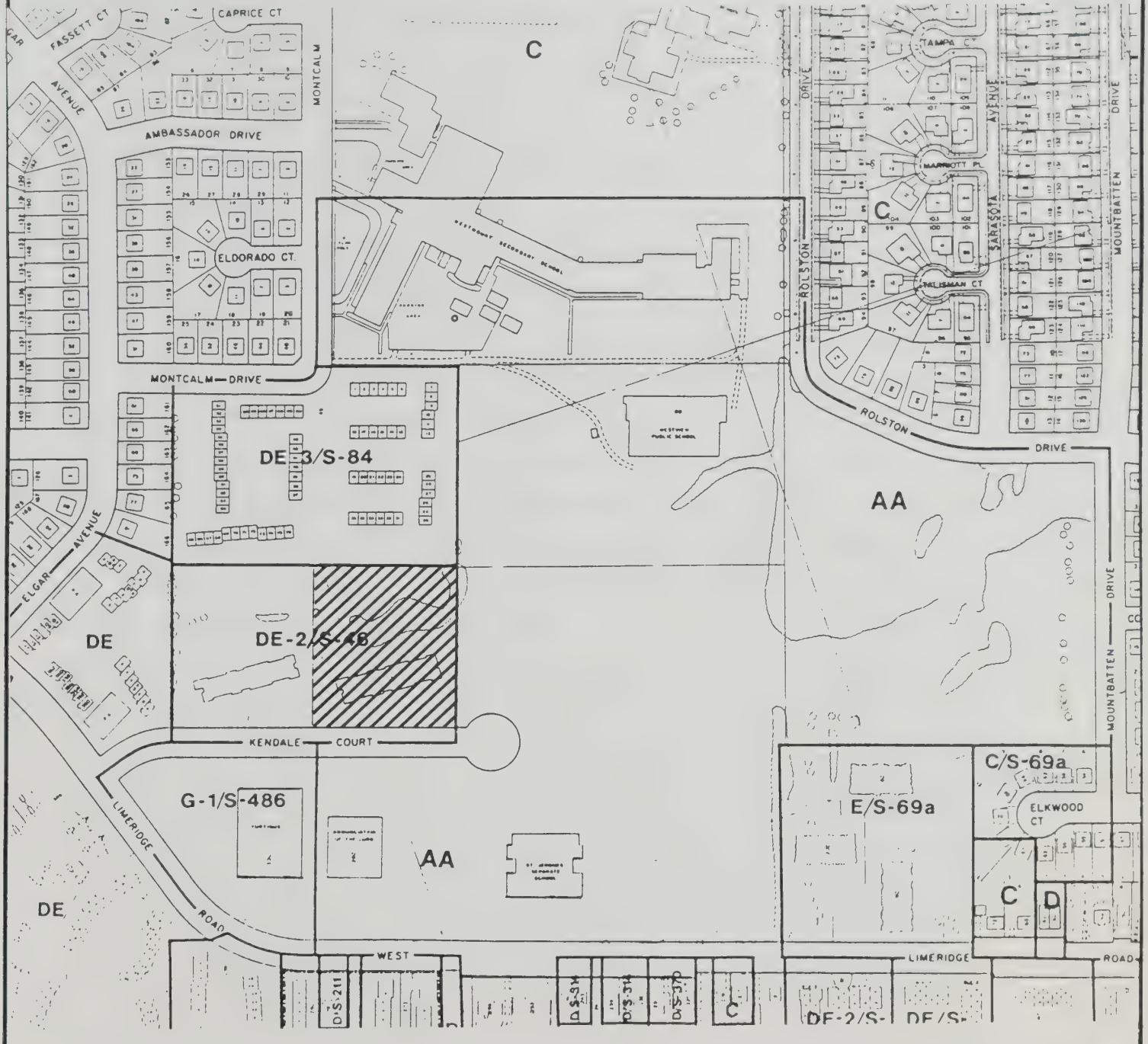
- Law Department: no comments.

Further for the information of the Committee, as a result of rental properties being converted to condominium status, the property taxes paid will decline. The Provincial Assessment Branch has estimated that when a converted unit is sold and becomes owner-occupied, the property taxes paid will fall by approximately 50 percent. However, if the converted unit remains tenant-occupied, there is no change in the property taxes paid.

CONCLUSION:

On the basis of the foregoing, the application cannot be supported. The proposed conversion to condominium of the 101 units will cause an adverse impact on the supply of affordable rental housing in Hamilton and the Hamilton Mountain Zone.

KE/ke



City of Hamilton

Location Plan For

21 Kendale Court

Rental Housing Protection Act

Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	CD-97-002
	Date	Drawn By
	July 1997	FAB

Re: 21 Kendale Crt/RHPA CD/97-002 AUG 0 6 1997

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Public Works Department on 1997 August 6. VT

6a)

Aug 1/97
Carole Grubbs
303-21 Kendale Crt
Scarborough
[illegible]

Att: Tina Agnello & Committee

I am writing with regard to the conversion of 21 Kendale Crt. from rental units to condominiums

For 24 yrs, I have resided at the above noted address and consider it my home. This situation has put me under extreme stress and I find it difficult dealing with change or decision making. I assumed that I would be able to remain in my unit indefinitely.

I realize that I have been offered the option to remain as a tenant for three years, but because previous owners have neglected major upgrading of the building over the years and these improvements are now being done, eventually this cost, should anyone move to 11 Kendale Crt. will have to be reimbursed. This increase in the future will likely be beyond what most renters, including myself will be able to pay. This especially applies to those on a fixed income Moving to 11 Kendale Crt will likely be impossible financially. Also, even though 11 Kendale Crt is also being upgraded, it has never and likely will never be maintained as well as 21 Kendale Crt. It has always been a dirty building inside and I have no reason to believe that this has changed or will change in the future after talking to tenants at 11 Kendale.

Even if I were in a position to buy, turning 21 Kendale Crt into condominiums came as a complete shock to me

The buildings are appx 27 years old. It needs completely new plumbing throughout the building, not just temporary work on leaks. The carpeting is always terrible and never even if new carpeting is put down. The staircases are always damaged. The new windows must now only allow for very small air-conditioners to hopefully make your apt comfortable in summer. There should have been central air for luxury condominiums.

In winter, you should be able to control the temperature thermostat but these were never repaired. Condominiums should have their own laundry facilities & proper hook-up. The security system isn't proper. Salesmen still knock on doors & people sometimes find a way in even if they aren't visiting or live here.

These are just a few reasons that I believe 21 Kendall C.D. should not convert to condominiums.

It's hard sometimes to express things well on paper but it's living day by day with the knowledge that in three years I will have to uproot and leave my home.

I would appreciate any further information as it becomes available and I thank you for your time

Yours truly

Carol Wilds

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Public Works Department on 1997 August 1 (66)

Re: 21 Kendale Court /RHPA CD/97-002

AUG 01 1997

Dear Committee

As a tenant in 21 Kendale, I have grown attached and feel that this is my home. I raised my son for most of his years here and now I've been on my own. Altogether living here 15 years.

I find everything stressful to me and have alot of trouble adjusting to any changes whether large or small.

Mr. Steve Peros has been very concerned about my illness due to all the changes going on in the past 2 years, and I thank him alot as others really don't care.

But all the repairs that are going on in and out of the building are repairs due to failure of the past owners who did not care and would not put out the money for the repairs that needed to be done. Although this has all falling on Mr. Peros shoulders, I feel this is not a adjustment for raising rents.

Also this building is about 25 years old there are many units still with old appliances. Plus there is no central air found in alot of buildings.

But most important is the wiring and plumbing these both have been patched up for as long as the building age, and years ago there was talk about re-wiring and doing all new pipes.

Years ago the owners would really check tenants out before letting them in - and I know there are several in here - that shouldn't. Why? Because they don't treat this building as there

home where as myself and alot of other tenants do.

There are tenants that don't care they throw garbage off balconies or on lawn they walk their dogs and don't pick up after them, people hang clothes lines out so when you to the building it looks slumy.

The kids play out front, elevators, stair wells, bounce balls and roller blade on balconies and annoy other tenants but still this goes on even after super has talked with them dozens of times.

As for buying or renting - I'm not in a position to buy and I'd rather stay and rent. Its hard for me to make decisions, because I don't know health wise what I'll be like in a day, a week a month or ever any a year from now.

I hope this letter will be of some help and also give me a change to get information from you as this progresses.

Yours Truly

Elizabeth Faillancourt
21 Kendale Crt Apt 106,
Hamilton Ont
L9C 2T8

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Public Works Department on 1997 Aug 11 TA 8/11

6c)

To:

AUG 1 1 1997

City Clerk

RE: 21 KENDALE CRT
CHANGE TO CONDO'S

I can not attend the meeting on Aug 20th 1997 as I will be at work. Please keep me informed as to the Councils decision.

I vote against Conversion.
I have been a tenant in 21 Kendale over 25 years.
This building in my opinion is not suitable to be converted into individual condos.
Each unit is big enough To be rented as an apartment, but not as a Condo.
You can't control the heat in the Units. The thermostats haven't worked in years.
I love the large windows that can be opened for air. In the new windows you only have a small opening which you can't even put an air conditioner in.

I am against these new windows
The radiators should be replaced
& the thermostates fixed. These
units are not cold. My windows
are open all winter long.
The plumbing in the whole
building needs to be replaced.

A condominium should have it's own
washer + dryer, central air
controlled heat, larger kitchen +
bathroom, etc. which these
units do not have.
Also the building should have
better security.

These are just a few reasons
why I am against conversion.

Sincerely
21 Kendal Cres #310
Nepean Ont.
K2C-2T8

7.

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 3 1997

DATE: 1997 July 30
ZAC-97-21
Gurnett Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Request for change in zoning - East of Omni Boulevard and north of Stone Church Road West

RECOMMENDATION:

(a) That the City of Hamilton consents to the application of Dicenzo Construction Company and Sunshine Construction Inc. for the rezoning of Block "3" being Part of Upper Horning Road (Part 5, 62R-9295) as shown on the attached APPENDIX "A", which land is to be sold by the City to the applicants and forms part of the rezoning application herein. The City agrees to sign all such requisite documents in relation to such application;

(b) That approval be given Sunshine Construction Inc.and DiCenzo Construction, owners, requesting a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District (Blocks "1" and "2") and "AA" (Agricultural) District (Block "3") to "C" (Urban Protected Residential, etc.) District, to permit the development of ten single family detached dwellings in conjunction with the adjacent lands, for property located east of Omni Boulevard and north of Stone Church Road West, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That Blocks "1" and "2" be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings, etc) to "C" (Urban Protected Residential, etc) District;

(ii) That Block "3" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37C for presentation to City Council; and,

(v) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for the following changes in zoning for property east of Omni Boulevard and north of Stone Church Road West, as shown on the attached map:

Blocks "1" and "2" - Change from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "C" (Urban Protected Residential, etc.) District; and,

Block "3" - Change from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

The effect of the by-law is to permit the development of the subject lands, in conjunction with the adjacent lands, for 10 single family detached dwellings.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is proposing to develop the subject lands, in conjunction with the adjacent "C" District zoned lands, for single family detached dwellings (see attached APPENDIX "B"). The City presently owns Block "3", being part of Upper Horning Road (Part 5, 62R-9295). Council, in approving Item 1 of the 7th Report of the Transport and Environment Committee on 1997 June 24, approved and authorized the sale of this portion of Upper Horning Road to DiCenzo Construction Company Limited and Sunshine Construction Inc.

- By-law No. 97-107

  City Council, at their meeting of May 13, 1997, passed By-law No. 97-107 which rezoned lands on the west side of Omni Boulevard, south of Upper Horning Avenue, from "AA" (Agricultural) District and "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "C" (Urban Protected Residential, etc.) District, modified to provide for variances in front yard setbacks.

- By-law No. 93-208

  City Council, at its meeting of October 26 1993, passed By-law No. 93-208, which rezoned adjacent lands to the east from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District.

APPLICANTS:

Sunshine Construction Inc. and DiCenzo Construction, owners.

LOT SIZE AND AREA:

The subject lands are irregular in shape with an approximate area of 2000 m^2 (21, 500 $feet^2$).

LAND USE AND ZONING:

	Land Use	Zoning
Subject lands	Vacant	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified - Blocks "1" and "2" "AA" (Agricultural) District - Block "3"
Surrounding Lands		
to the north	Single Family Dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified
to the east	Single Family Dwellings	"C" (Urban Protected Residential, etc.) District
to the south	Vacant	"AA" (Agricultural) District

to the west	Vacant	"C" (Urban Protected Residential, etc.) District, modified

OFFICIAL PLAN:

The subject lands are designated "Residential" on Schedule 'A' - Land Use Concept of the Official Plan. The following policies, amongst others, apply:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that is consistent and complements the established development pattern;

v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;"

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double" in the approved Gurnett Neighbourhood Plan. The proposal complies with the Neighbourhood Plan.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority and Union Gas have no comment or objection.

- The Public Works and Traffic Department advises:

  "The application for a change in zoning to permit the development of one and two family residential dwellings is satisfactory.

  With reference to the proposed [development] plan, the applicant should be advised that the vehicular access to lot 4 will be restricted to the area within the 6.5 m frontage on Omni Boulevard or the 18.0 m frontage on Stone Church Road West. "

- The Building Department advises:

  "1. The existing dwelling number 855 Upper Horning Road requires demolition approval by the Planning and Development Committee under Demolition Control By-law is required and the issuance of the demolition permit.

  2. Provided all the lots (1 - 10) have a minimum lot width of 12.0m (measured 9.0m back) and a minimum lot area of 360 m^2. specific calculations and dimensions not submitted.

  3. The proposed use of single family dwellings is permitted in the proposed "C" zone."

- The Regional Environment Department (Development Engineering Division) advises:

  "There are public watermains and separate storm and sanitary sewers available to service the subject lands.

  The owner will be required to enter into a Modified Subdivision Agreement with the City of Hamilton at the severance application stage.

  The following comments were received from the Regional Transportation Department, Roads Division.

  (1) The designated road allowance width of Stone Church Road is 30.48 m. In accordance with this designation, we recommend that as a condition of development approval that lands shown as Part 1 on Reference Plan 62R-9295 be dedicated to the Region for road widening purposes.

  (2) According to our records, Part 5 on Reference Plan 62R-9295, which is part of

Upper Horning Road road allowance, has not been closed to date nor had the applicant acquired these lands from the City of Hamilton. As a condition of approval, we recommend that Part 2 of Reference Plan 62R-9295 be acquired by the applicant and the applicant/owner acquire Part 5 on Reference Plan 62R-9295 from the City of Hamilton.

(3) As a condition of development approval, we recommend that all outstanding servicing costs, road costs including real estate and construction, etc. be paid to the City of Hamilton and the Region of Hamilton-Wentworth.

(4) As a condition of access/development approval, we will require that the applicant construct and maintain vehicle turnarounds on Lots 1 to 3 inclusive in order that vehicles can enter Stone Church Road in a forward manner. Access to Lot 4 must be on Omni Boulevard only, on the northside of the lot. The existing driveway to Lot 4 from Stone Church Road must be removed through the development of these lands.

(5) In the absence of any details shown, we advise that the removal of any street trees required as a result of this development approval must be approved by the forestry Section of the City of Hamilton Department of Public Works and Traffic.

(6) Further comments on access, grading, setbacks, etc. will be submitted at such time as these plans are submitted for our review and approval.

(7) Any other works which may occur within the adjacent road allowances must conform to the respective Streets By-laws."

COMMENTS:

1. The proposal complies with the Official Plan and the approved Gurnett Neighbourhood Plan.

2. The proposal has merit and can be supported on the following basis:

   - it complies with the Official Plan and approved Neighbourhood Plan;
   - it is appropriate infill development, compatible with existing and future planned single family residential uses.

3. Block "3" is a portion of the Upper Horning Road road allowance and presently owned by the City. Council, on 1997 June 24, approved and authorized the sale of these lands to the applicants. The sale however, will not take place prior to the consideration of the rezoning application by the Planning and Development Committee. Accordingly, in order

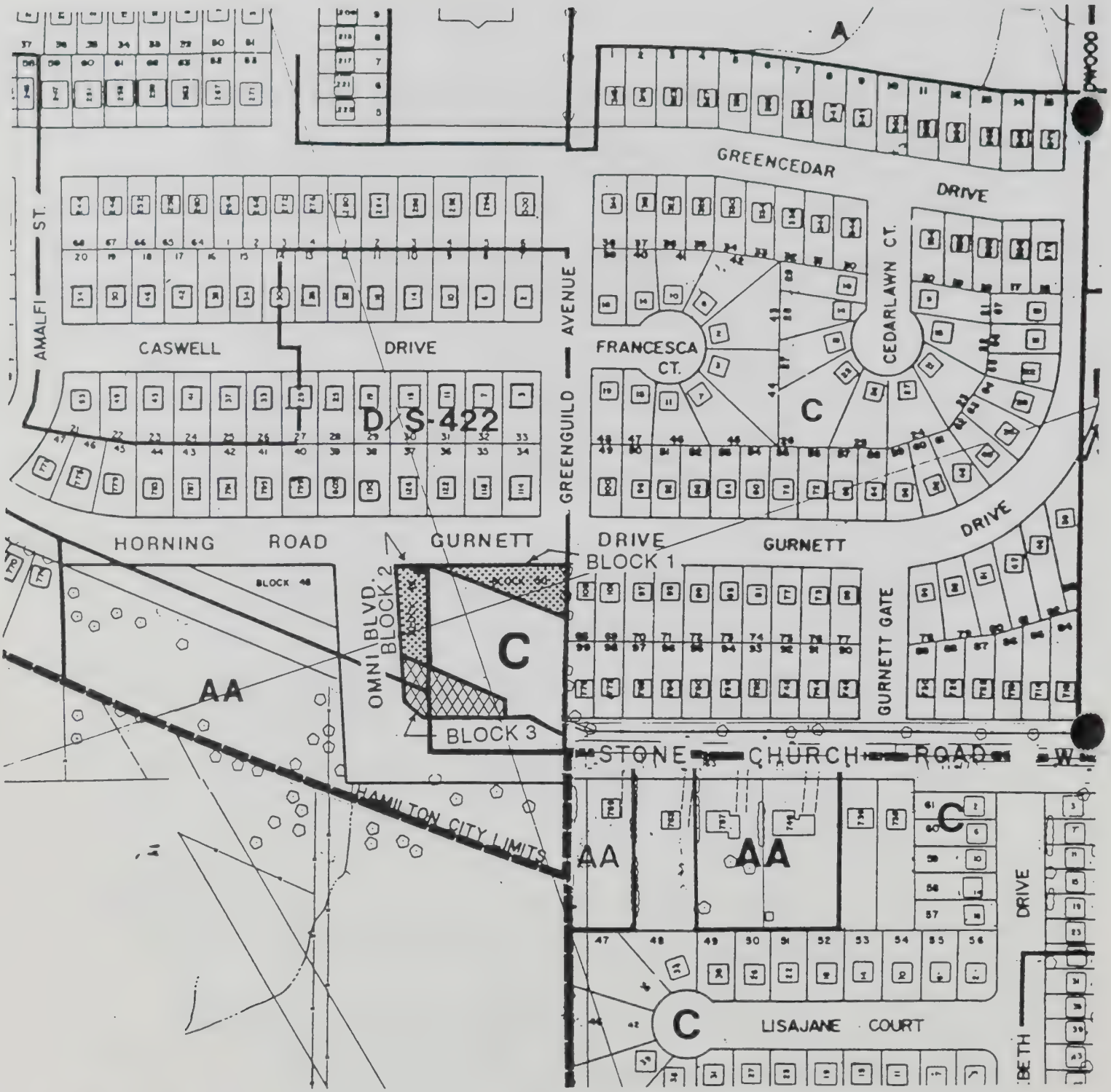
to include these lands at this time in the rezoning application of the adjacent lands, the City's consent as owner is required.

CONCLUSION:

Based on the foregoing, the subject application can be supported.

CLF/
ZAC-97-22

APPENDIX "A"



Legend

Change in Zoning :

BLOCK 1 &2

From "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District modified to "C" (Urban Protected Residential, etc.) District; and

BLOCK 3

From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and

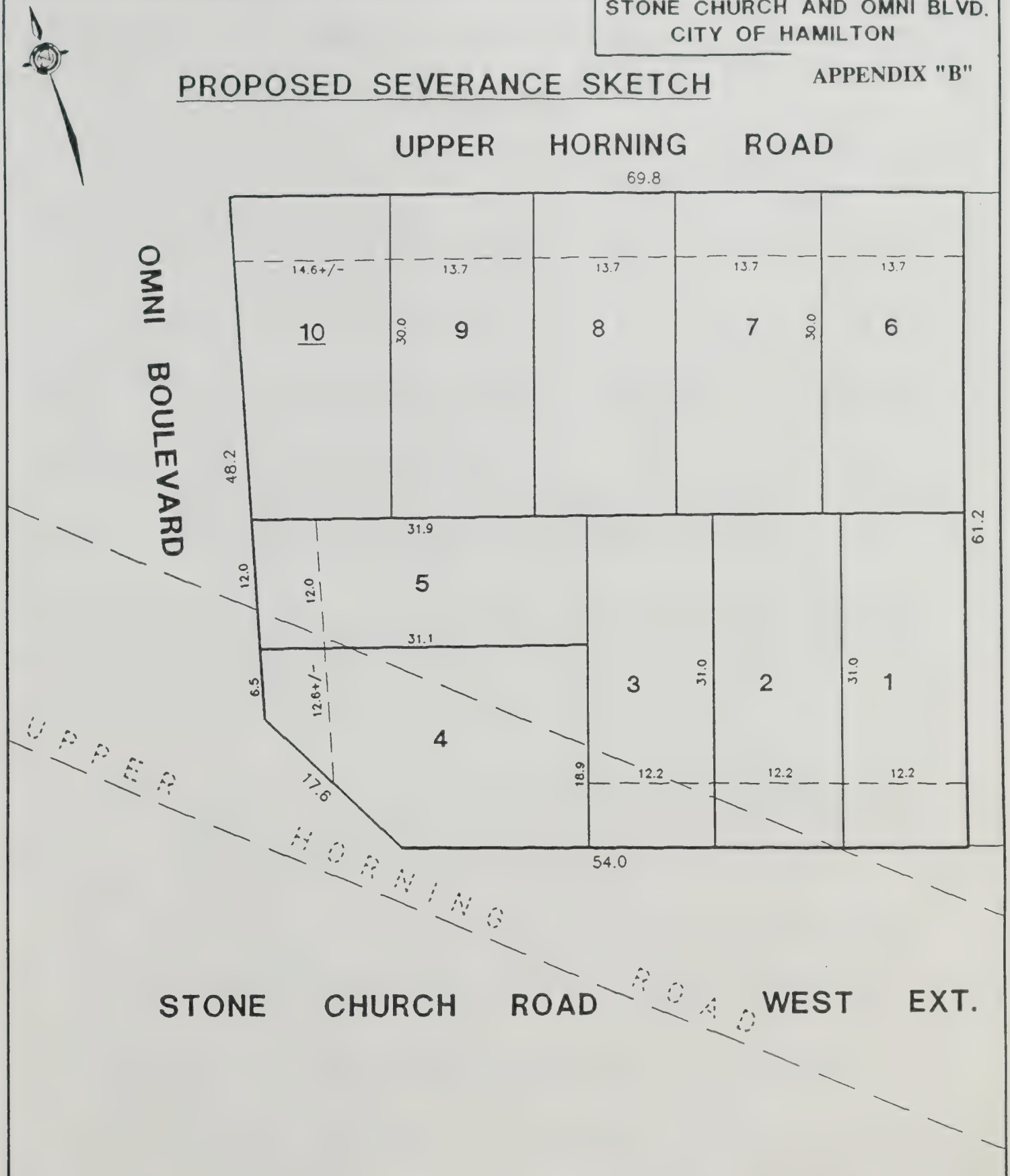
Reference File No.	
ZAC-97-21	
Drawn By	Date
W.B.	June 1997
Scale	
NOT TO SCALE	

North

STONE CHURCH AND OMNI BLVD.
CITY OF HAMILTON

PROPOSED SEVERANCE SKETCH

APPENDIX "B"



planning initiatives ltd.
engineers, planners and landscape architects

DATE: MAY /97	SCALE 1:500	PLAN 1

OFFICE OF THE CITY CLERK

8

MEMORANDUM

****

TO: Susan K. Reeder, Secretary
Finance and Administration Committee

Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. Kevin C. Christenson, Secretary
Transport and Environment Committee PHONE: 546-2728

SUBJECT: **Action request - Transport and Environment Committee's 7th Report for 1997 - Section 42 (b) (i) - Planning & Development Committee and Section 42 (b) (iii) - Finance and Administration Committee** DATE: 1997 August 5

City Council at its meeting held Tuesday, 1997 June 24 approved Section 42 of the 7th Report of the Transport and Environment Committee, as amended, and subjoined for your appropriate action. Please refer to the above noted subject for the sections requiring action.

Thank you for your attention to this matter.

"42. (a) Regarding the management of stormwater runoff to the Montgomery Creek resulting from future residential development within the proposed Albion Mills Estates Subdivision, Red Hill Vista Subdivision (Valery Construction), and adjacent land owned by Ontario Realty Corporation:

(i) It is recommended that the City, in its capacity of stormwater regulatory authority, endorse the following approach recommended in the Environmental Study Report prepared by Philips Planning & Engineering as the preferred method for managing Montgomery Creek stormwater:

(a) Bio-Engineered Treatment of the low-flow channel of the creek on the Glendale Golf Course property; and,

(b) Construction of a water quality facility, a "constructed wetland"; and,

(c) Construction of an erosion control facility, a "wet pond"; and,

(d) Relocation of existing golf course features, greens and tees; and,

(ii) That staff be authorized to file the said Environmental Study Report for the 30-day review period in compliance with the Municipal Engineers Association "Class Environmental Assessment" requirements; and,

(iii) That staff from Regional Environment, Public Works, Treasury and Law Departments be authorized to investigate and prepare a report on the financial arrangements required to implement the stormwater management plan; and,

(b) Regarding sixteen acres of land owned by the City located within the said Montgomery Creek watershed area, between the north limit of Mud Street and the brow of the escarpment, along Hamilton's easterly boundary with Stoney Creek, shown on the map attached hereto as Appendix "C":

(i) That the Planning and Development Committee be requested to authorize the Planning and Development Department to prepare a report to the Committee for a re-zoning of this City land, as a City initiative, from "A" (Conservation, Open Space, Park and Recreation) District to "B-2" (Suburban Residential, etc.), and "R-4" (Small Lot Single Family Detached) fronting on Mud Street; and,

(ii) That the Regional Environmental Department prepare and apply for draft plan of subdivision approval for the City land, including the completion of the Environmental Impact Statement; and,

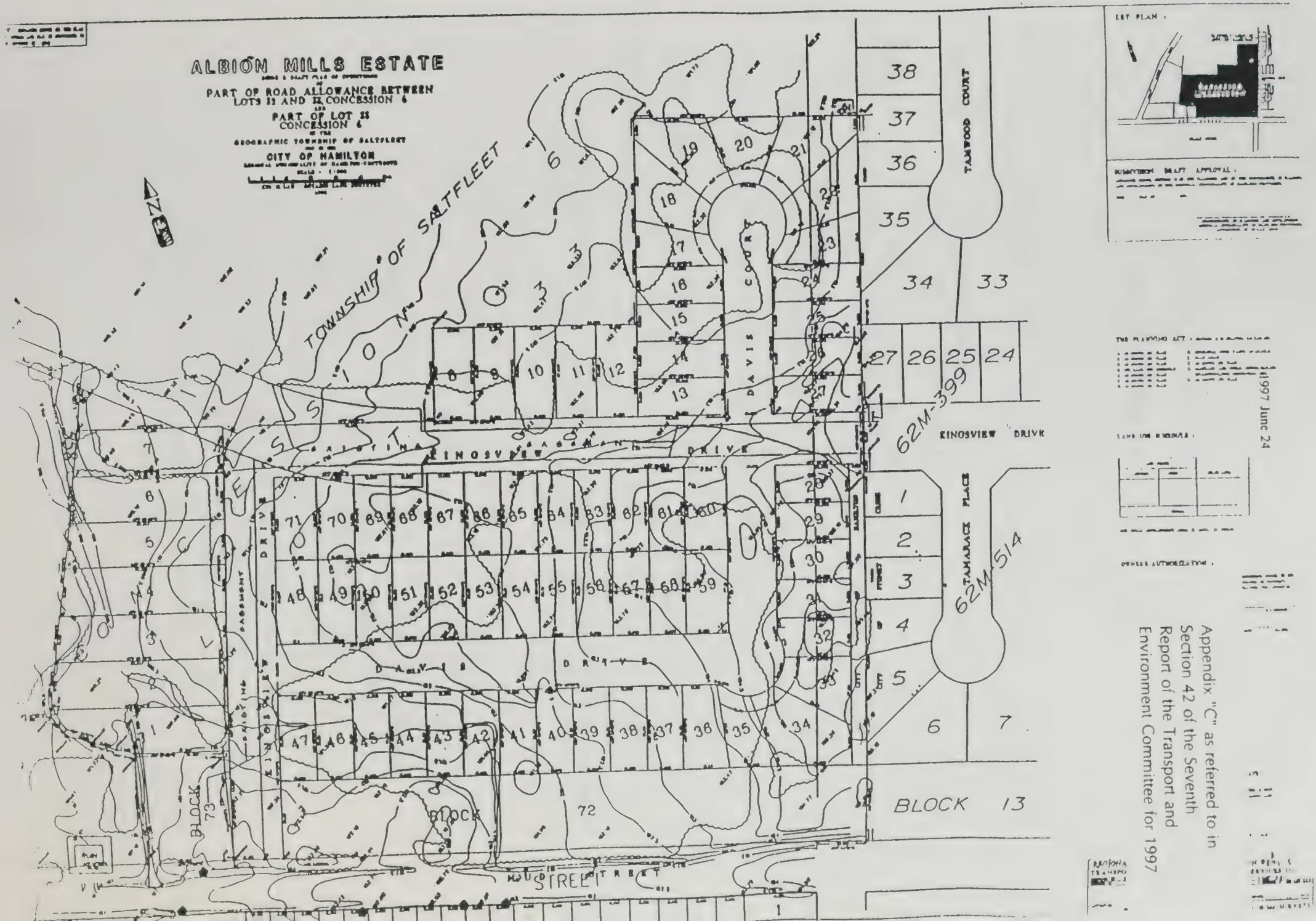
(iii) That the Finance and Administration Committee be requested to authorize:

(aa) The City Treasurer to recommend a source of funding for expenditures necessary to obtain draft plan approval, to an amount not to exceed $23,800; and,

(bb) This funding be reimbursed from the proceeds of the sale of the "Albion Mills Estates" land; and,

(iv) That the City Solicitor be authorized to take steps to have this City owned land registered under the Land Titles Act. **AMENDED.**

KCC/dbm



Appendix "C" as referred to in
Section 42 of the Seventh
Report of the Transport and
Environment Committee for 1997

1997 June 24

9;)

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 3 1997

DATE: 1997 August 6
(CI 83-B)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P, R.P.P.,
Director, Planning and Development Department

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Planning Tariff Fees - Condominium and Subdivisions

THIRD REPORT:

RECOMMENDATION:

A. That the following Planning Tariff fees for the condominium and subdivision applications be approved:

i) Subdivision Fees

a)	Simple Subdivision	$1,000 plus per $10 lot & $75 per block
b)	Complex Subdivision	$2,000 plus per $20 lot & $150 per block
c)	Revisions to Subdivisions received before March 28, 1995	$ 750
d)	Revisions to Subdivisions received after March 28, 1995	$1,050
e)	Administration of files over 5 years	$200

ii) Plan of Condominium Fees

a)	New Buildings (where the Regional Municipality of Hamilton-Wentworth approves the Plan)	$ 750 plus $10 per unit
b)	Older Buildings (where the City of Hamilton approves the Plan)	
1)	Phase 1	$1,000 plus $10 per unit
2)	Phase 2	$ 250

B. That the City Solicitor be directed to prepare a by-law to incorporate the new fee structure for the condominium and subdivision fees.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Approval of the proposed fee increases will not result in any additional revenue over that already estimated in the 1997 budget.

BACKGROUND:

The Planning and Development Committee, at its meeting of January 29, 1997, tabled a report from the Planning and Development Department respecting the establishment of new fees and increases for existing fees so the matter could be discussed with the Hamilton and Halton Home Builders Association. Staff met with the Home Builders and the representatives of the organization indicated their concerns were the subdivision and condominium fees.

The Planning and Development Committee, at its meeting of February 19, 1997, approved fee increases and new fees for several different planning applications. However, subdivisions and condominiums were **tabled** pending further discussion with the Hamilton and Halton Homebuilders Association.

After the February 19, 1997 Committee meeting, staff met with representatives from the Home Builders on two separate occasions. In early May, at the request of the Home Builders, staff sent a detailed letter outlining the steps required to process the plans of subdivision and condominium and the associated costs of each. No response was received from them. In July, a second letter was sent to the Home Builders requesting input on the increased fees and to inform them a report would be going to the August Committee meeting concerning the fees. **To date, no response has been received.**

COMMENTS:

For the information of the Committee, the existing fee structure for condominium and subdivision applications does not represent cost recovery.

The proposed fee increases reflect the Corporate User Fee Policy of cost recovery where the provision of services **"Confer a direct and identifiable benefit..."** and **"Consumption of the service is voluntary and discretionary..."**. APPENDIX "A" identifies the existing fees, the proposed fee increases and the difference between the existing and proposed fees.

- Subdivision Applications

  The following table illustrates the fee increases for plans of subdivision as recommended by the consultant in the 1994 "Cost of Service Analysis".

	Current Fee	**Consultant Proposed Fee**
Simple Application	$ 560	$1,950
Complex Application	$1,020	$2,500

(A simple application is one that conforms to the Neighbourhood Plan and a complex one requires changes to it.)

Comparatively, the fees charged by other municipalities in the Region range from **$1,000 plus $10/lot** to **$2,000 plus $20/lot,** a shown below:

Municipality	**Fee**
Ancaster	$2,000 plus $20/lot
Dundas	$2,100 plus $20/lot
Flamborough	$2,060 (preliminary $950)
Glanbrook	1,000 plus $10/lot
Stoney Creek	$2,500 plus $250/ha over 4 ha (preliminary $1,000)

In 1995 and 1996, a total of 13 subdivision applications were received (11 complex and 2 simple). With respect to the 11 complex applications, the number of proposed lots ranged from 4 to 119. However, the majority of applications (7) ranged from 17 to 73 lots for a total of 391 and an average of 36 (35.54).

In this regard, if the City was to adopt the prevalent regional fee of $2,000 plus $20/lot the costs would have ranged from a low of $2,080 (4 lots) to a high of $4,380 (119 lots), or the average of $2,720 (36 lots). Such a fee would be consistent with the fee rates charged by area municipalities, and with the recommendation of the consultant.

With respect to simple applications, it has been the City's practise to charge half the complex fee. In this regard, the fee for simple applications would be $1,000 plus $10/lot. For the two simple applications, the fee would have been $1,220 (22 lots) and $1,730 (73 lots). Although this is lower than the consultant's recommendation, it maintains Council philosophy and provides for greater cost recovery.

In addition to lots, most plans contain Blocks that are identified for townhouses, multiple dwellings, commercial development, etc. which require review and should also be assessed a fee. Accordingly, it is suggested that the Regional fee of $150 per Block be adopted. However, the fee should be set at $75 for Simple Applications.

A fee of $355 is charged for a revision to an approved subdivision, whereas the consultant had recommended an increase to $750. It should be noted that applications received after March 28, 1995 are subject to a public meeting under the Planning Act. In this regard, the fee should be higher, $1,050, which will incorporate the mailing costs for the public meeting notice.

Furthermore, the Department is required to maintain files which have little or no activity. Such applications have to be filed, reviewed and updated for monthly and annual reports. Consistent with Regional practise, it is suggested that an annual Administration Fee of $200 be charged for files over five years old.

- Condominium Applications

The current fee for Condominium Applications is $560, whereas in the 1994 "Cost of Service Analysis" the consultant recommended increasing the fee to $1,400.

Comparatively, the fees charged by other municipalities in the Region range from $775 to $2,000 plus $20/unit, as shown below:

Municipality	**Fee**
Ancaster	$2,000 plus $20/unit
Dundas	$775
Flamborough	$855
Glanbrook	$1,000 plus $10/lot
Stoney Creek	$935

Two (2) applications were submitted in 1995, one for 10 units and the other for 33 units. No applications were received in 1996. Utilization of the fee per lot as charged by Ancaster and Glanbrook would have resulted in fees of $1,100 and $2,200 for 10 units, and $1,330 and $2,660 for 33 units.

Establishment of a base fee with an additional charge per unit would be consistent with the approach recommended for subdivision. In this regard, the fee of $1,000 plus $10/unit would be appropriate as it most closely approximates the recommended fee of the consultant, and is consistent with the fee charged by area municipalities.

With respect to condominium conversions, the current fee is $1,000 plus $20 per unit (max. 40 units - $800). To be consistent with the recommended fee for 'new building' it is suggested that the unit fee be reduced from $20 to $10, however the maximum unit fee of $800 (40 units) should be eliminated. In addition, after Council has given draft approval, an additional $250 is required to clear the conditions. This new fee would allow for overall balancing of the fee.

CONCLUSION:

Based on the Corporate user fee policy, the Consultant's recommendations and a comparison between other municipalities within the region, the following increases in subdivision and condominium fees are appropriate and should be approved as follows:

i) Subdivision Fees

a)	Simple Subdivision	$1,000 plus per $10 lot & $75 per block
b)	Complex Subdivision	$2,000 plus per $20 lot & $150 per block
c)	Revisions to Subdivisions received before March 28, 1995	$ 750
d)	Revisions to Subdivisions received after March 28, 1995	$ 1,050
e)	Administration of files over 5 years	$ 200

ii) Plan of Condominium Fees

a)	New Buildings (where the Regional Municipality of Hamilton-Wentworth approves the Plan)	$ 750 plus $10 per unit

b) Older Buildings (where the City of Hamilton approves the Plan)

1)	Phase 1	$1,000 plus $10 per unit
2)	Phase 2	$ 250

JHE
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cc. Allan Ross
Treasurer

Len King
Building Commissioner

SUBDIVISION FEES

TYPE OF FEES	EXISTING FEES	PROPOSED FEE INCREASES	DIFFERENCE BETWEEN EXISTING AND PROPOSED FEES
Simple Subdivision	$560	$1,000 plus $10 per lot & $75 per block	$340 plus $360 (average 36 lots)
Complex Subdivision	$1,020	$2,000 plus $20 per lot & $150 per block	$980 plus $720 (average 36 lots)
Revision to Subdivision (before March 28, 95)	$355	$750	$345
Revision to Subdivision (after March 28, 1995)	$355	$1,050	$695
Administration of Files 5 years and older	N/A	$200	$200

CONDOMINIUM FEES

TYPE OF FEES	EXISTING FEES	PROPOSED FEE INCREASES	DIFFERENCE BETWEEN EXISTING AND PROPOSED FEES
New Buildings (where the Regional Municipality of Hamilton-Wentworth approves the Plan)	$560	$750 plus $10 per unit	$190 plus $250 (based on 25 units)
Old Buildings (Where the City of Hamilton approves the Plan) Phase 1 Phase 2	 $1,000 plus $20 unit (max $800) $250	 $1,000 plus $10 per unit (no maximum) $250	 $-250 (based on 25 units) $0

9ii)

JUL 2 8 1997

HAMILTON-
HALTON
HOME
BUILDERS'
ASSOCIATION

A member of the Canadian Home Builders' Association

1112 Rymal Rd. E., Hamilton, Ontario L8W 3N7
Telephone 575-3344 Fax 574-3411

Post-it™ Fax Note 7671E	Date 07/27	# of pages ▸
To Tina Agnello	From Dan Condon	
Co./Dept.	Co.	
Phone #	Phone #	
Fax # 546-2095	Fax #	

July 27, 1977

Chairman
Planning & Development Committee
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Chairman:

Kindly accept this letter as a formal request by the Hamilton-Halton Home Builders' to be a recognized delegation to the August 20, 1997 meeting. We would like to make our views known directly to the committee on the issue of Sub-Division and Condominiums Application Fees.

Thank you in advance for your consideration and we look forward to seeing you on the 20th.

Yours truly,

HAMILTON-HALTON HOME BUILDERS' ASSOCIATION

Dan Condon

Dan F. Condon
Executive Officer

cc: HHHBA Board of Directors
Sergio Manchia, Chair, Development Council

07. 28. 97 01:57PM *H. D. H. B. A. P01

10.

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 1 1997

DATE: 1997 August 7

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: J. J. Schatz
City Clerk

SUBJECT: Ferguson Avenue Redevelopment
Walkway between Main and King Streets
Authorization to Expropriate

RECOMMENDATION:

(a) That the Corporation of the City of Hamilton as expropriating authority, apply to the Council of The Corporation of the City of Hamilton as approving authority for approval to expropriate the following lands for walkway and other municipal purposes:

(i) Part of Lot 14, Registrar's Compiled Plan 1391, having a frontage of 8.546 meters (28.04 feet) along the southern limit of King Street East, and a frontage of 6.621 meters (21.72 feet) along the northern limit of Main Street East, comprising an area of 647.1 square metres (6,965.16 square feet), as shown as Part 5 on Plan 62R-14129 (No. RB-H-578 Surveys), also known as part of municipal number 248 King Street East, Hamilton; and,

(b) (i) That the City Solicitor be authorized and directed to initiate expropriation proceedings, and that the Manager of the Real Estate Division be authorized and directed to retain an independent fee appraiser to prepare an appraisal of market value; and,

(ii) That the costs of the acquisition be charged to Account No. CF 5590 409755037 (Downtown Phase of the Ferguson Avenue Master Plan - Pedestrian/Bike Link - Land Acquisition); and,

(c) That the City Clerk be authorized and directed, pursuant to The Expropriation Act, to:

(i) Give Notice of the City's application to all owners, registered owners and tenants (as defined in The Expropriations Act) of the said land; and,

(ii) Advertise the Notice of the City's application in a newspaper as required by The Expropriations Act; and,

(iii) Sign and receive the said application for approval to expropriate.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funds in the amount of $780,000 have been allocated in the 1997-2006 Capital Budget and are available in Account No. 409755037 (Downtown Phase of the Ferguson Avenue Master Plan - Pedestrian/Bike Link) for construction of the pedestrian/bike link between King William Street and Main Street East and for any required land acquisitions. Budget estimates for the entire project total $10.4 million.

BACKGROUND:

City Council at it's 1996 October 29 meeting approved Item 2 of the 17th Report of the Planning and Development Committee - The Master Plan for Ferguson Avenue. This Plan for Ferguson Avenue was distributed to Members of Council at that time under a separate cover and labelled Appendix "C".

This Master Plan originated from the Central Area Plan, which identified Ferguson Avenue as an area of concern once the Canadian National Railway trackage on Ferguson Avenue would no longer be used for railway purposes. With the redevelopment of Sam Lawrence Park, Pier 4 Park and Bayfront Park, Ferguson Avenue was identified as an opportunity to provide a pedestrian and cyclist link between the Hamilton Escarpment and Hamilton Harbour.

The Master Plan identified certain lands to be acquired in order to implement a continuous link for the Plan. One of the parcel of land required was the Canadian Nation Railway Company's rail right-of-way between Main and King Streets. Within this right-of-way a special mosaic of pedestrian paving is proposed with small ornamental trees and vines on trellis. On the walls on either side of the pedestrian way murals are proposed, with eventual commercial uses which face onto this specialized area.

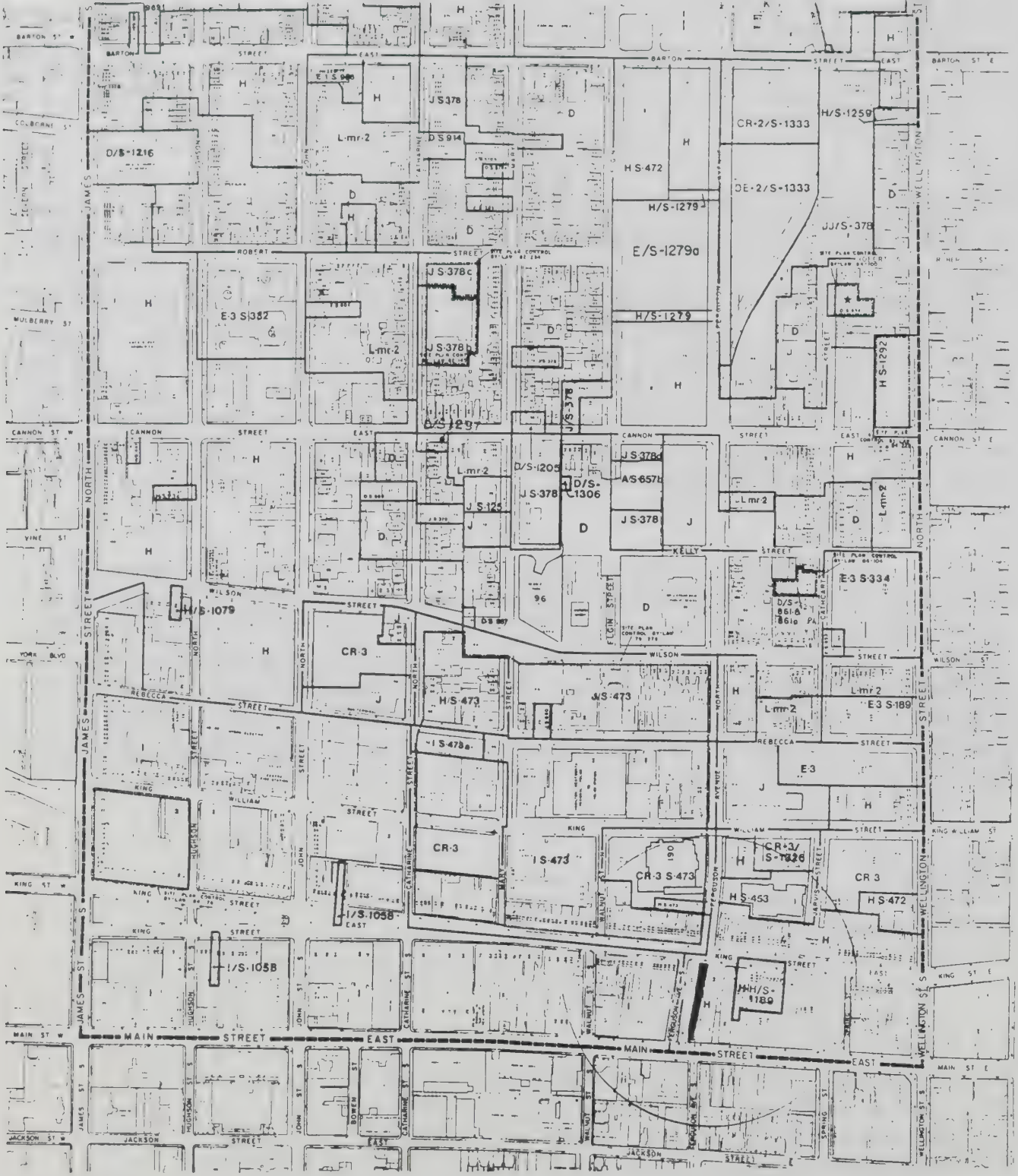
Unfortunately this land was sold by Canada Lands Company (CN's real estate disposal agency) to a private individual on 1996 February 21 for $12,000. This was done notwithstanding a prior agreement that the City would have the first right of refusal to acquire the subject lands.

The current owner of the lands (A.S.A.P Holdings Ltd - Mr. Ross Lewis) has been contacted by the Real Estate Division on a number of occasions in an attempt to purchase the former right-of-way. To date no agreement to acquire the lands has been possible. Mr. Ross also owns the abutting building to the west - 244 King Street East, and for the last year has been awaiting a commitment for a large redevelopment of the sites. As construction in this area of the Ferguson Avenue project is scheduled for 1998, the Public Works Department has requested a method to ensure the availability of the site. In the absence of successful negotiations, and in order to ensure the City's ownership of the site, the expropriation process is required to be initiated. It should be noted that the Real Estate Division will maintain contact with the owner in further attempts to negotiate a purchase of the subject lands.

The City as an expropriating authority is required to apply for approval of this expropriation and to give Notice of the City's intention to the property owners. Each Notice of Intention to Expropriate, in a form prescribed by the Expropriations Acts, is required to indicate that a Board of Inquiry (through the offices of the Ontario Municipal Board) may be requested by the owner, to determine whether or not the proposed expropriation is fair, sound and reasonably necessary to achieve the expropriation objectives. Subsequently, if no inquiry is requested or after an inquiry is held and an affirming inquiry report is received, City Council may then consider enacting an expropriation by-law of the subject lands.

VDP/hew

c.c. Alderman Vince Agro, Ward 2
Alderman Bill McCulloch, Ward 2
J. G. Pavelka, P. Eng., Chief Administrative Officer
P. Noé Johnson, City Solicitor
A. Ross, City Treasurer
V.J. Abraham, M.C.I.P., Director, Local Planning Division
K. M. Lau, Manager of Surveys, Roads Division
D. Lobo, Commissioner of Public Works and Traffic
Attention: H. Milsome



All Lands Within This Neighbourhood Is Subject To Site Plan Control By-law No. 90-285.

107	106	69
21	10	95
41	31	125

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department.

CITY OF HAMILTON

BEASLEY

ZONING

Neighbourhood Boundary
Zoning Boundary

0 100m
SCALE 50m
NORTH

Prepared for The City of Hamilton
by the Planning and Development Department

PLANNING UNIT NO. 6703

PAGE NO. 10

11.

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 2 1997

DATE: 1997 August 1

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
272 Wellington Street North - Tag Number 11106
(97.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to deny a demolition permit until a building permit has been issued to replace the subject building at 272 Wellington Street North.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: H (Map E12)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant

BRIEF DESCRIPTION: The owner has applied to demolish the existing building which is presently being used as a single family dwelling. The subject building is located in the Central Area identified in the City Council control under Section 33 of The Planning Act be applied. **The owner of the building has not applied for a building permit to replace the building which is to be demolished.**

Should Council refuse to issue a demolition permit, the Planning Act allows the owner to appeal Council's decision to the Ontario Municipal Board.

No LACAC interest. Lot size 23.50' x 84.66'.

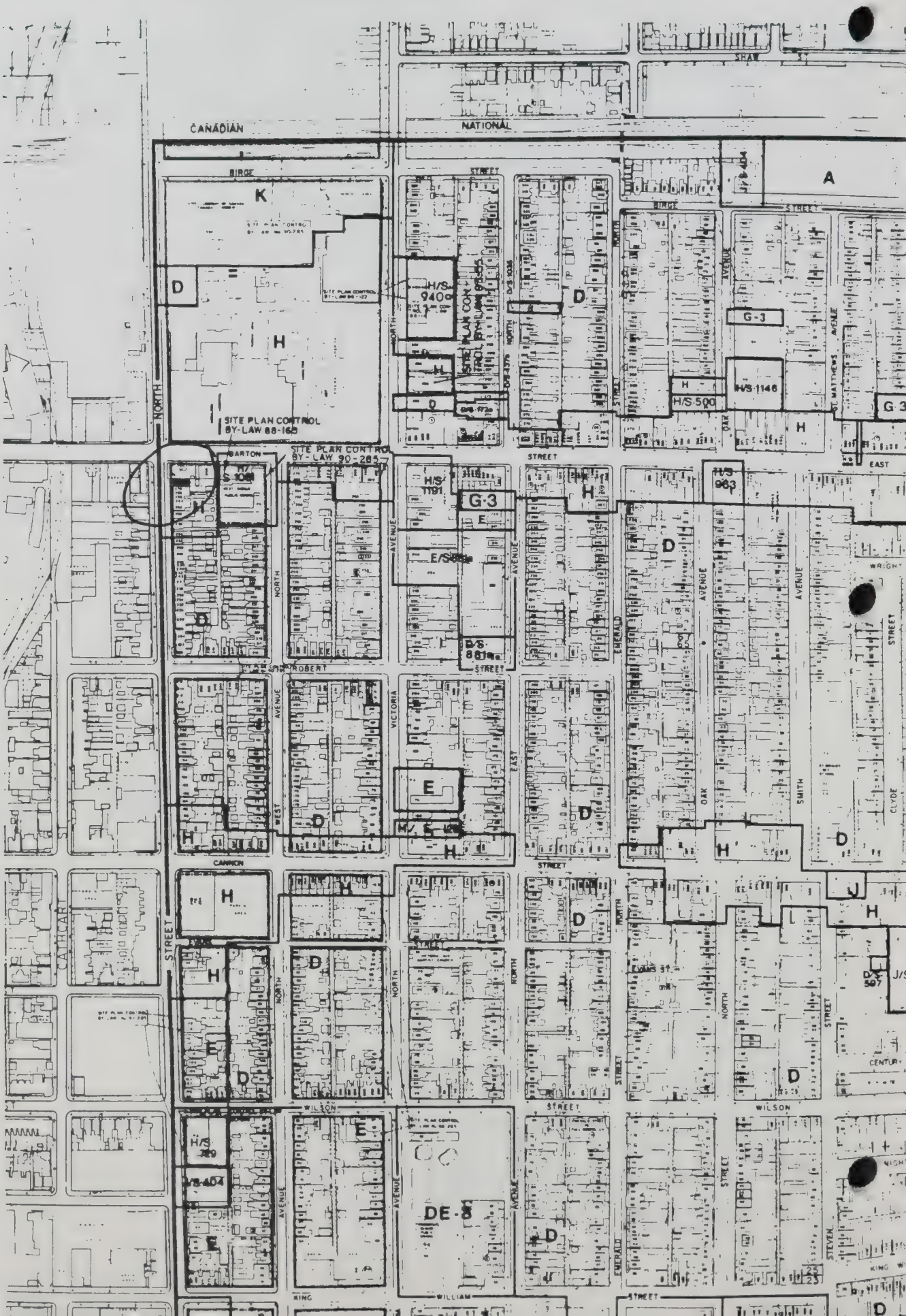
The owner and applicant of the property as per the demolition permit is:

Mr. Gary Waxman, 500 Centennial Parkway North, Hamilton ON L8E 2X5 (560-1100, Ext.4625).

F.P. ND/bel

SUBJECT PROPERTY [redacted]
272 WELLINGTON STREET NORTH

LANSDALE NEIGHBOURHOOD



12.

CITY OF HAMILTON

JUL 17 1997 **- RECOMMENDATION -**

DATE: 1997 July 14

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Stella Glover, Acting Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: Fearman House, 90 Stinson Street - Revised Plans for Proposed Alterations/Additions

RECOMMENDATION:

That approval be given to the revised east elevation plans dated 1997 May 6, attached hereto and marked as Appendix "A", as an amendment to the Heritage Permit for the Fearman House located at 90 Stinson Street, Hamilton, as adopted by City Council on 1997 March 25.

S. Glover

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

In accordance with the provisions of the Ontario Heritage Act, any changes to the designated facades (north, east and west) require Council approval through the Heritage Permit process. This includes alterations to the existing building as well as any new additions.

BACKGROUND:

City Council at its meeting held 1997 March 25 adopted Section 7 of the FIFTH Report of the Planning and Development Committee for 1997, approving a Heritage Permit for the exterior alterations and additions to the building at 90 Stinson Street, a building designated as a heritage building under the Ontario Heritage Act.

After the Heritage Permit was approved, revised plans involving minor changes to the rear roofline were submitted to the Building Department, and if approved, would require an amendment to the Heritage Permit.

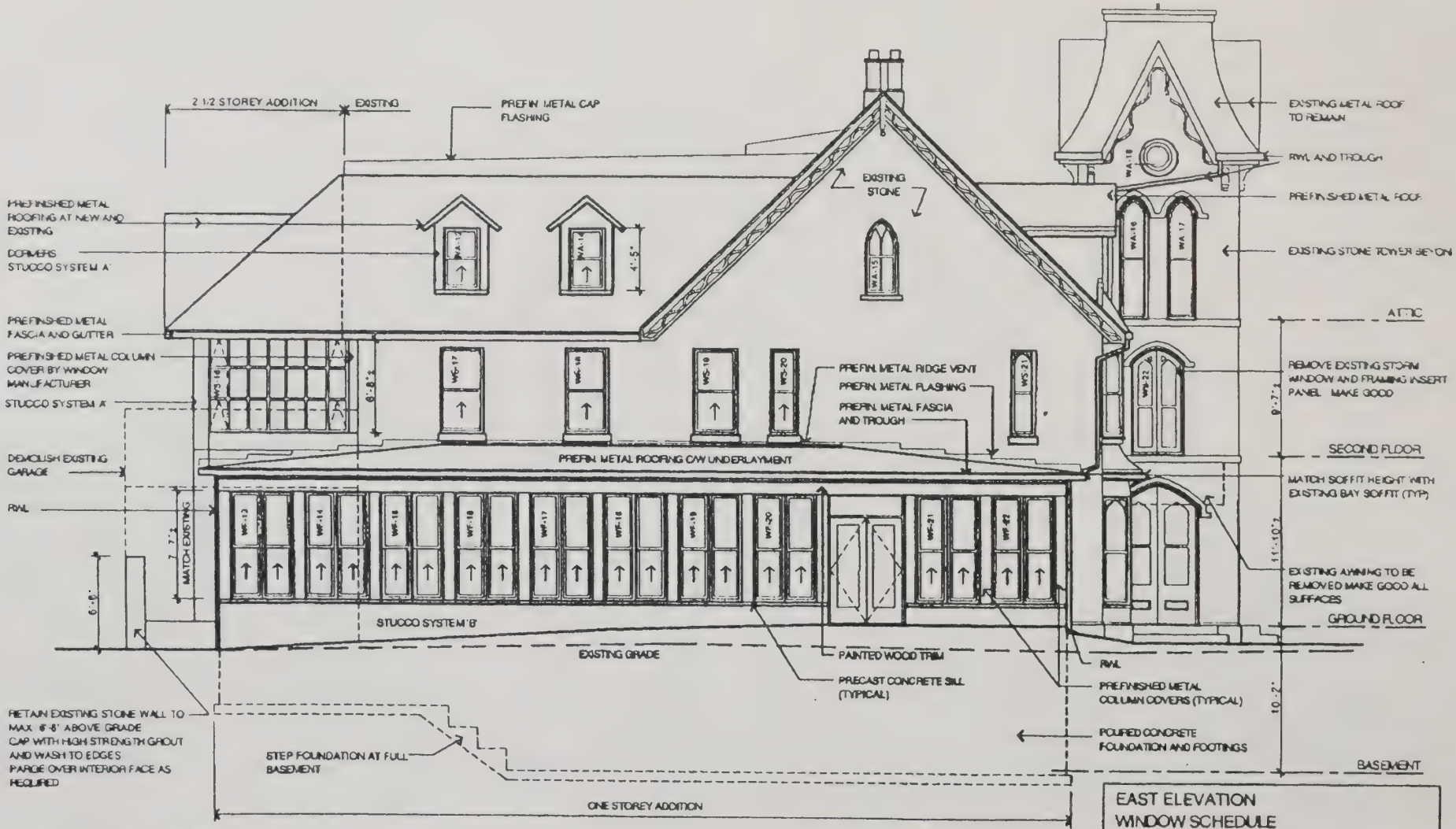
On 1997 May 8, LACAC's Research Sub-Committee examined the revised plans and determined that the changes did not adversely affect any of the building's designated features.

The above-noted recommended was approved by the Local Architectural Conservation Advisory Committee at its 1997 July 14 meeting.

attached

cc Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department
Len King, Building Commissioner

APPENDIX "A"



EAST ELEVATION

McCALLUM SATHER ARCHITECTS INC (revised elevation)

MAY 6, 1997

EAST ELEVATION WINDOW SCHEDULE	
WF-13 TO WF-22	NEW - PAIRED UNITS
WS-16	NEW
WS-17 TO WS-20	REPLACE
WS-21	RESTORE

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1997 August 20
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

a) Minutes of the meeting held 1997 July 2

b) Minutes of the Special meeting held 1997 July 8

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

a) Expansion of the Barton Village Business Improvement Area (B.I.A.)

b) Barton Village Business Improvement Area (B.I.A.) - Revised Board of Management

c) Revised Board of Management 1997; Main Street West Esplanade Business Improvement Area (B.I.A.)

C. BUILDING COMMISSIONER

a) 37-39 King William St - Downtown Convert/Renovate-to-Rent Loan Program

b) Residential Rehabilitation Assistance Program Allocation for 1997

c) Barton Jazzing Up Fest

d) Barton Brush Over Project

e) 1471 Upper Sherman Ave - Demolition

f) 35 Rymal Rd W - Demolition

g) 488 King William St - Demolition

h) 155 Gage Street North - Waiving of Committee of Adjustment Fees

D. DIRECTOR OF PLANNING AND DEVELOPMENT

a) Proposed Draft Plan of Condominium by 977340 Ontario Ltd. - Nos. 1088-1120 Garth Street and 101-117 Bonaventure Drive, Gilbert Neighbourhood.

b) Authorization for Staff Attendance at an Ontario Municipal Board Hearing - 665 Upper James Street, Walmart

c) Draft Spencer Creek Watershed Plan - City of Hamilton Comments

d) Site Plan Control Application DA-97-12 for a Third Party/Billboard Sign at 840 Upper James Street

E. SECRETARY, LACAC

Authorization for Committee Member to Attend Either Community Heritage Ontario Converence or Heritage Canada Conference.

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Wednesday, 1997 July 2 Aa)
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present:
Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Mayor R. Morrow
Alderman W. McCulloch
Alderman B. Charters
Alderman M. Caplan
Alderman H. Merling

Regrets:
Alderman F. Eisenberger, Vacation
Alderman G. Copps, Civic Business

Also present:
Alderman D. Wilson
Joanne Hickey-Evans, Planning and Development Department
Steve Robichaud, Planning and Development Department
Bill Janssen, Planning and Development Department
Mary Lou Tanner, Planning and Development Department
Nina Chapple, Planning and Development Department
Caroline Floroff, Planning and Development Department
Roland Karl, Public Works and Traffic Department
Werner Plessl, Public Works and Traffic Department
Eugene Chajka, Regional Environment Department
Art Zuidema, Law Office
Len King, Building Commissioner, Building Department
Don Inglis, Building Department
Tina Agnello, Secretary

PUBLIC MEETINGS 9:30 o'clock

Alderman Drury advised those present that as per the Planning Act the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at a Public Hearing.

1. Rental Housing Protection Act, 141 Catharine Street South

As recommended in a report dated 1997 June 23 from the Director of Planning and Development, the Committee recommended to Council as follows:

(a) On the basis of Council's previous decision to approve conversion to condominium for the property located at No. 141 Catharine Street South, that approval be given to Application CD-97-001, under the Rental Housing Protection Act, 1167829 Ontario Limited, owner, for conversion of 57 rental apartment units to condominium units for the property located at 141 Catharine Street South, on the following basis:

(i) That the Owner offer, in writing, to the Tenants residing at the premises on the date of Council's approval, the right to lease their current unit, noted in Appendix "A", for a period of not less than five years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "A", upon the following minimum terms:

(1) the Offer shall be open for acceptance by the Tenants for a period of 30 days from the date the Offer is sent; and,

(2) the City will send the Offer, by registered mail, to the tenants residing at the premises as of the date of Council approval of the Rental Housing Protection Act application, immediately following the expiration of the appeal period of the Council approval; and,

(3) that leases entered into as a result of (i) and (ii) above, be executed prior to the City's execution of the RHPA Approval Agreement; and,

(4) that the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended; and,

(5) that such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,

(6) that the Tenants may terminate the said lease at any time on 60 days written notice, without penalty; and,

(ii) That the Owner grant to the Tenants named in Appendix "A" an Option to Purchase a Unit specified in Appendix "A", (together with appurtenant interests). Such Option shall allow each tenant at least five years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner; and,

(iii) (1) That the City send by registered mail to the tenants residing at the premises as of the date of the Council approval of the RHPA application, the Option to Purchase details set by City Council; and,

(2) That the notice indicated in section (i) above shall be sent immediately following the expiration of the appeal period of the Council approval; and,

(3) That the tenants noted in (i) above shall be given 30 days from the date of the letter sent by the City to notify the City whether they are or are not interested in further considering the option; and,

(iv) That this RHPA approval shall cease and be at an end,

(1) if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,

(2) in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton; and,

(v) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Planning and Development and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "A" and "B" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval; and,

(vi) In the event that the Owner proposes to sell all of the subject lands, he/she shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein; and,

(vii) That the Owner provide the City Solicitor and the Director of Planning and Development with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,

(viii) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.

(b) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

2. Plan of Subdivision SAC-97-02, by DiCenzo Construction Company Ltd., Owner for Approval of a Plan of Subdivision "Bishop Ryan School Site" for Lands Located South of Queenston Road, East of Walter Avenue and West of Parkdale Avenue.

Joanne Hickey-Evans stated that the application is for a draft plan of subdivision for 40 single detached lots in a cul-de-sac formation. She stated that there are two issues - there is concern about leaving an "H" zone along Queenston Road and that in the actual overall design of a plan it is better to have a crescent than a cul-de-sac for matters of safety and maintenance.

A submission was received from DiCenzo and Associate's lawyers on behalf of the applicant.

Ms. Hickey-Evans also advised that it would be preferrable to have the application go through a rezoning process.

Serge Manchia, on behalf of Planning Initiatives and Anthony DiCenzo, Solicitor on behalf of the applicant, were also present.

Mr. Manchia thanked Planning staff and the Region for their diligence in processing the application. He stated that it is an excellent opportunity to develop an older site using existing infrastructure. The lots will have a 40 ft. minimum frontage. There has been a lot of interest from families in the east end wanting to relocate there. With regard to the cul-de-sac, he stated that there is no existing policy with regards to cul-de-sacs versus crescents. He stated that cul-de-sacs offer a better opportunity for larger set backs and in this case reduces the number of homes backing onto existing residential areas. This design will benefit the residents, not the garbage trucks or the plows.

Mr. DiCenzo commented on the condition in subsection 2. He stated that the proposal is workable therefore rezoning should not be required. He stated that at this point in time, to go forward with a zoning application would confuse the residents who are already satisfied with a subdivision. He would prefer to proceed by restricted covenant on titles. He also stated that residents would like to see lots fronting onto Queenston Road developed as residential.

Jim Murray, 1049 Central Avenue was present. He supported the comments of Serge Manchia and Mr. DiCenzo. He stated that the plan as presented is preferable and he would like to see lots on Queenston Road residential not commercial.

Trevor Graham, 1001 Central Avenue was present. He concurred and stated that he prefers the cul-de-sac plan and wants residential on Queenston Road.

Alderman Wilson stated that the people in the area are content with the plan and therefore it should be approved as a covenant and possibly have the City proceed by applying for a City Initiative.

Art Zuidema added that the concerns of the Planning and Building Departments are valid since that once the houses are built, there would be a potential for enforcing the use in the "H" zoning.

Mr. DiCenzo stated that the developer would agree not to oppose any action for City Initiatives.

In response to a question from Alderman Drury, Joanne Hickey-Evans stated that the costs for a City Initiative would be above $1,000.

Mr. DiCenzo added that any purchaser would know that the property is residential if a search is conducted on title.

Following discussion, the Committee resolved to approve the recommendation dated 1997 June 23 from the Director of Planning and Development as amended to allow the restricted covenant as well as to allow to direct the City to proceed by City Initiative as follows:

(a) That approval be given to Subdivision Application 97-02 (Regional File No. 25T-97005), DiCenzo Construction Company Ltd., owner, to establish a draft plan of subdivision "Bishop Ryan School Site", on lands located south of Queenston Road, east of Walter Avenue and west of Parkdale Avenue in the Glenview West Neighbourhood, as shown on the attached map marked as Appendix "C" subject to the following conditions:

(i) That this approval apply to the plan, prepared by Planning Initiatives Ltd. and certified by W. Bruce Clark, O.L.S. of MacKay, MacKay and Peters Ltd., dated April 7, 1997, showing 40 lots for

single detached dwellings and two streets identified as Streets "A" and "B", attached as Appendix "D"; and,

(ii) That the owner agree in writing with the City that Lots 1, 2, 3, 4, 17, 18, 19, 20, 21, 22, 23, 24, 37, 38, 39 and 40 on the proposed plan be used only for those purposes permitted in a "C" District under the existing City of Hamilton Zoning By-law, as amended from time to time, and that such restriction be registered on title to the said lots to the satisfaction of the City's solicitors; and,

(iii) That the Owner establish Streets "A" and "B" to their full 20.0m width and that these lands be conveyed to the City of Hamilton prior to registration of the final plan of subdivision; and,

(iv) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes; and,

(v) That access to Lots 1, 20, 21 and 40 be located at the south side of the lot; and,

(vi) That Streets "A" and "B" be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,

(vii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,

(viii) That the final plan conform with the Zoning By-law approved under the Planning Act; and,

(ix) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan; and,

(x) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,

(xi) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,

(xii) The owner must satisfy all requirements, financial and otherwise of the City of Hamilton prior to the development of any portion of these lands; and,

(xiii) The owner must enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands; and,

(xiv) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton; and,

(xv) That the owner authorize the City in writing to rezone, and to post on the property notice to the public of the application to rezone, to "C" (Urban Protected Residential, etc.) District those lands zoned "H" (Community Shopping and Commercial, etc.) District within the proposed plan of subdivision, shown thereon as Lots 1, 2, 3, 18, 19, 20, 21, 22, 23, 38, 39 and 40 and part of Lots 4, 17, 24 and 37, and further agree in writing with the City not to object to such rezoning and to impose a similar restriction on any purchaser of all or part of the property where such purchase is completed prior to the completion of such rezoning.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-97004), DiCenzo Construction Company Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

(c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

3. A. Neighbourhood Plan Amendment - Jerome Neighbourhood, Lands North of Stone Church Road, West of Upper Wellington Street.

Joanne Hickey-Evans gave a brief description of the Neighbourhood Plan. She stated that there is a remnant parcel which is not developable.

Angelo Camericci, of Urbex Development and John Chun, applicant, were present on behalf of the application.

Ron Drum, 175 Stone Church Road East, questioned if he would be left with four building lots once the development is completed.

The Committee concurred to table this matter until later on in the meeting and reconvened immediately with the following:

As recommended by the Director of Planning and Development in a report dated 1997 June 24, the Committee recommended to Council as follows:

That the Jerome Neighbourhood Plan be amended by:

(a) revising the road pattern to provide for a through street instead of a cul-de-sac; and,

(b) redesignating the lands municipally known as No. 191 Stone Church Road East from "Institutional and Recreational" to "Single and Double" Housing;

for the lands located north of Stone Church Road East, west of Upper Wellington Street, as shown on the attached map marked as Appendix "E".

B. **Proposed Draft Plan of Subdivision ("Wellington Meadows") and Request for Changes in Zoning - Nos. 117, 123, 131, 139 & 151 Stone Church Road East (ZAC-97-14 and SAC-97-01)**

Submissions were received from the following:

(a) Gene and May Snelling, 152 Stone Church Road East
(b) Robert Dickson, 111 Stone Church Road East
(c) Robert Dickson, 111 Stone Church Road East

Mr. Camericci stated that in Part A they wanted an 18 metre road allowance not 20 metres.

Discussion ensued with regard to the potential boulevard between the sidewalks and curb.

Alderman Charters questioned the boulevards policy to which Eugene Chajka stated that it was passed by Council three to four years ago and has been rescinded in many instances. He stated that it was basically implemented for snow removal issues.

Alderman Merling stated that there are problems associated with boulevards, such as the grass and trees being killed by the winter snow and salt.

The Committee directed staff to prepare a report for the next Planning and Development Committee meeting on the Boulevard Policy in a New Subdivision.

As recommended in a report from the Director of Planning and Development dated 1997 June 20, the Committee approved the following recommendation as amended to allow for 18 metre set backs as follows:

(a) That approval be given to Subdivision Application 97-01 (Regional File 25T-97-004), Scarlett Homes, Ltd., applicant, to establish a draft plan of subdivision "Wellington Meadows", for lands located west of Upper Wellington Street, on the north side of Stone Church Road East, known municipally as Nos. 117, 123, 131, 139 & 151 Stone Church Road East, comprising of 42 lots for single detached dwellings, three future roads, two blocks for road widenings and one block for a 0.3 m reserve, subject to the following conditions:

(i) That this approval apply to the plan, prepared by Urbex Engineering Limited Professional Engineers and certified by John P. Nouwens, O.L.S., dated April 8, 1997, as red line revised, showing 42 lots for single detached dwellings, 3 future roads, 2 blocks for road widenings and 1 block for a 0.3 m reserve (see attached Appendix "F"); and,

(ii) That lots 1 to 15 inclusive not be developed until such time as street access via the east-west portion of the "future street", currently on Lands of the Board of Education, is established and constructed to its full 20 m width from the west limits of Court "A" to the east limits of Street "B"; and,

(iii) That 0.3 m reserves be established at the east limit of Street "C" and at the east, west and north limits of the adjacent future street on the lands of the Board of Education and be dedicated to the City of Hamilton by deed; and,

(iv) That any phasing of this development and any temporary works required to accommodate the same, be to the satisfaction of the Regional Environment Department; and,

(v) That the applicant/owner include 1.0 m boulevards in the typical cross-section for this development, where a municipal sidewalk is required; and,

(vi) That the final plan conform with the applicable provisions of the "C" (Urban Protected Residential, etc.) District and "R-4" (Small Lot Single Family Dwelling) District in the City of Hamilton Zoning By-law No. 6593; and,

(vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the Subdivision in the Final Plan; and,

(viii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under section 51 of the Planning Act; and,

(ix) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement, prior to the issuance of a final release by the City of Hamilton; and,

(x) That the streets be named to the satisfaction of the City of Hamilton; and,

(xi) That the streets be dedicated to the City of Hamilton as public highways in the final plan; and,

(xii) That the owner prepare and submit, to the satisfaction of the City of Hamilton, a municipal street numbering plan; and,

(xiii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,

(xiv) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

(1) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,

(2) That the Owner provide an inspection report prepared by a qualified professional engineer of all erosion and sediment control measures after each rainfall to the satisfaction of the Senior Director, Roads Department; and,

(3) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

(4) That all disturbed areas be revegetated with permanent cover immediately following completion of construction; and,

(xv) That the Owner be required to enter into a modified subdivision agreement with the City of Hamilton prior to development of any portion of these lands; and,

(xvi) That the Owner provide the Region with documentation to the satisfaction of the Regional Environment Department and Utility Corporations (Hamilton Hydro, Union Gas, Bell Canada and Cable TV) that the standard roadway cross-section, utilities and municipal sidewalks etc., for a 20.0m road allowance, can be installed on both sides of Court "A", proposed at 18.0m width; and,

(xvii) That the applicant/owner agree in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton; and,

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SAR-97-01/25T-97004), "Wellington Meadows", proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

(c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision; and,

(d) That approval be given to Amended Zoning Application 97-14, Scarlett Homes Ltd., applicant, for changes in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Dwelling) District for Block "1", from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwelling) District for Block "2", and from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Block "3", for lands located at Nos. 117, 123, 131, 139 and 151 Stone Church Road East, to permit development of the subject lands for 24 small lot single-family dwellings and 15 single-family dwellings (3 single-family dwellings under the related subdivision application SAR-97-

01 do not require rezoning), as shown on the attached map marked as Appendix "G", on the following basis:

(i) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Dwelling) District; and,

(ii) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwelling) District; and,

(iii) That Block "3" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,

(iv) That the Director of Planning and Development be directed to prepare a by-law, in a form satisfactory to the City Solicitor, to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council; and,

(v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

4. Proposed Walkway Closure, Gilkson Neighbourhood

As recommended in a report from the Director of Planning and Development dated 1997 June 23, the Committee recommended to Council as follows:

That the approved Gilkson Neighbourhood Plan be amended by deleting the walkway located between Nos. 37 and 51 Glenvale Avenue.

5. DIRECTOR OF PLANNING AND DEVELOPMENT

(a) Authorization for a Public Meeting for Windermere Basin Study.

The Committee approved the recommendation of the report from the Director of Planning and Development dated 1997 June 25, as follows:

That staff be directed to schedule a Public Meeting of the Planning and Development Committee in accordance with the Planning Act, to hear public comment on the six land use options developed from the Windermere Basin Study, as distributed to members of the Planning and Development Committee under separate cover, and that the appropriate Public Notice be given.

The Committee determined at this time that the meeting would take place in the evening of Wednesday, 1997 September 24 at 7:30 p.m. in Council Chambers.

Alderman Charters referred to page 19 of the Windermere Study, which gave reference to the Harbour Commission owning all the lands in the area. Alderman Charters questioned that the Harbour Commission owns all the lands in the review area. Art Zuidema is to review this and follow up with Alderman Charters.

(b) ZA-96-11, 73 Garfield Avenue (Previously Tabled)

(i) A submission was received from Michael J. Wychopen.

Alderman Drury stated that this is to be tabled to a special meeting of the Planning and Development Committee to be held on Tuesday, 1997 July 8 at 7:00 p.m. in Room 233.

6. BUILDING COMMISSIONER

(a) Request for Variation from the City of Hamilton Policy With Respect to Lot Grading in the Rear Yard at 154 Chester Avenue

As recommended in a report from the Building Commissioner dated 1997 June 26, the Committee recommended to Council as follows:

That the Planning and Development Committee approve a deviation from the City of Hamilton Policy with respect to lot grading for the property at 154 Chester Avenue. The required maximum 7% slope in the backyard will be maintained on the required 7.5m rear yard located at the rear of the property rather than being adjacent to the building.

(b) Mobile Sign By-law

As recommended in a report from the Building Commissioner dated 1997 June 27, the Committee recommended to Council as follows:

That the City Solicitor be authorized and directed to amend Mobile Sign By-Law 97-026 by deleting the existing requirements of Schedule "B" Permit Fees: and substituting the following:

All permit applications shall be submitted to the Chief Building Official and must be accompanied by a cheque or cash in the amount of:

(i) thirty five dollars ($35.00) per two week period for the first 4 weeks;

(ii) twenty five dollars ($25.00) per two week period beyond the initial first 4 weeks; and

(iii) seventy dollars ($70.00) per two week period for any sign erected prior to issuance of a permit.

7. CONSENT AGENDA

A. ADOPTION OF MINUTES

The minutes of the meeting held 1997 June 18 were adopted as circulated.

THE FOLLOWING RECOMMENDATIONS WERE FORWARDED TO COUNCIL FOR APPROVAL:

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

(a) **Ferguson Avenue, Phase One - Barton to Cannon Streets - Planting of Trees, dated 1997 June 25:**

That the Central/Beasley Account Number CF 5000-429102003 be utilized to plant 101 trees abutting Ferguson Avenue between Barton and Cannon Streets, at a total cost of $37,126 including G.S.T. and P.S.T.

(b) **Ninth Annual Public Service Announcement (P.S.A.) Competition - Award of Prizes, dated 1997 June 25:**

(i) That the following prizes be awarded to Mohawk College broadcasting students for their submissions in the Ninth Annual Public Service Announcement competition:

First Prize: Adam Hunter
Second Prize: Kerry Sue Blanchenot
Third Prize: Jamie Sparks

(ii) That funds be provided from Phase IV of the Downtown Action Plan for the first prize at $600, second prize at $400, and third prize at $200 and a donation to Mohawk College Media Studies Department of $1,300 for development of the videos and use of the equipment.

(c) **Ottawa Street Business Improvement Area (B.I.A.) Revised Board of Management - 1997 - , dated 1997 June 24:**

(i) That Schedule 'B' of By-law No.97-010 appointing the Ottawa Street B.I.A. Board of Management be repealed and the following names substituted:

Gord Culshaw	**Culshaw Cakes**
John Driscoll	**Ottawa Market and Discount Center**
John Gut	**Textile Centre**
Tony Bifano	**Anton Video**
Greta Munt	**Greta's Flair**
Rosemary Young	**Wentworth Paints**
Daniel Kwiatkowski	**Beach Road Meats**
Toby Yull	**Toby's Interior Design**
John Bazinet	**L. G. Wallace Funeral Home**

(ii) That the City Solicitor be authorized and directed to amend By-law No.97-010 pursuant to (a) above.

C. BUILDING COMMISSIONER

(a) **Commercial Property Improvement Loan Program (CPILP) - 304 Barton Street East (97.2.4.2.1.A, 97.2.14), dated 1997 June 19:**

(i) (1) That a secured loan in the amount of sixty-five thousand dollars ($65,000) to Stanley and Elise Lam, for improvements to 304 Barton Street East be approved subject to the fulfilment of the borrowing requirements of

the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(2) That a grant from the Barton Street Revitalization Fund in the amount of twenty-five thousand dollars ($25.000) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,

(ii) (1) That an unsecured loan from the Barton Street Revitalization Fund in the amount of ten thousand dollars ($10,000) to Stanley and Elise Lam for improvements to 304 Barton Street East be approved, subject to fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(2) That a grant from the Barton Street Revitalization Fund in the amount of five thousand dollars ($5,000) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

(b) Commercial Property Improvement Loan Program (CPILP) - 353 Barton Street East (97.2.4.2.1.A, 97.2.14), dated 1997 June 17:

(i) That a secured loan in the amount of seventeen thousand, seven hundred and sixty-three dollars ($17,763) to Octavio and Mirella Raposo, for improvements to 353 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of eight thousand, eight hundred and eighty-one dollars ($8,881) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

(c) Hamilton Emergency Loan Programme (H.E.L.P.) - 216 Grenfell Street (97.2.4.2.1.A), dated 1997 June 19:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, seven hundred and fifty four dollars ($1,754) be approved for Josephine Siemaszko, 216 Grenfell Street. The interest rate will be 2 per cent amortized over 5 years.

(d) Retaining Walls - Hamilton Rehabilitation Assistance Program (97.2.4.2.1.A), dated 1997 June 23:

(i) That the balance of funds of $46,227 remaining from the $120,000 allocated for the Hamilton Rehabilitation Assistance Program (HARP) - Retaining Wall Program for the Green Cedar/Firenze area, be utilized on a first come first served basis, for applications that may arise outside the Green Cedar/Firenze area; and,

(ii) That an increased allocation of funds for the Retaining Wall Program be referred to the Capital Budget Sub-Committee for consideration in the 1998 Capital Budget.

(e) **Hamilton Community Heritage Fund (97.2.4.2.1.A.), dated 1997 June 13:**

(i) That the Hamilton Community Heritage Fund Program be amended to reduce the interest rate from half of prime in the first five years; and prime for the second term of five years; to 2% for a single term of ten years; and,

(ii) The City Solicitor be directed to amend By-law 85-120 so as to reflect these changes.

(f) **Demolition of 99 Rymal Road East, dated 1997 June 20:**

That the Building Commissioner be authorized to issue a demolition permit for 99 Rymal Road East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(g) **Demolition of 75 Tragina Avenue South, dated 1997 June 20:**

That the Building Commissioner be authorized to issue a demolition permit for 75 Tragina Avenue South in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

D. **DIRECTOR OF PLANNING AND DEVELOPMENT**

(a) **Request for Removal of a Holding Provision - 852 Upper Wentworth Street, dated 1997 June 23:**

(i) That approval be given to Zoning Application ZAR 97-25, Nicola Clarizio, owner, requesting removal of the 'H' - Holding provision under Section 36 of the Planning Act to permit commercial development, for property located at No. 852 Upper Wentworth Street, as shown on the attached map marked as Appendix "H". The 'H' - Holding provision was placed on the subject lands until such time as the applicant\owner applies for and receives approval of a Site Plan Control application; and,

(ii) That the Director of Planning be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law No. 95-111, and Zoning District Map E-18, in a form satisfactory to the City Solicitor, for presentation to City Council.

(b) **Request for a further extension of the approval of Site Plan Control Application DA-93-05 for a Commercial Building at Nos. 139-147 Locke Street South, dated 1997 June 17:**

That approval be given to Wentworth Construction Planning on behalf of the owner Citslap Industries Plastics Limited, for a further extension of the approval of Site Plan Control Application DA-93-05 to 1998 January 7, for 139-147 Locke Street South, with appropriate agreement registered on title

to recognize the extension, and that at the end of this period if a Building Permit has not been issued, the proposed development will be subject to a new Site Plan Control Application.

(c) **Application to Remove Part-Lot Control for Block 19, "Eaglewood Manor" Subdivision, dated 1997 June 24:**

(i) That approval be given to Part Lot Control Application 97-01, 456941 Ontario Ltd., owner, to remove part-lot control for Block 19, located in "Eaglewood Manor", to permit the subdivision of Block 19 into 3 lots, as shown on the attached map marked as Appendix "I"; and,

(ii) That the appropriate By-law, to remove part lot control from Block 19, Registered Plan 62M-622, "Eaglewood Manor" plan of subdivision, be enacted by Council; and,

(iii) That the exempting By-law be restricted to a 1 year effective time period to expire on 1998 July 15; and,

(iv) That the exempting By-law not be forwarded to Council for adoption until such time as the following conditions have been satisfied:

(1) the Owner has paid all outstanding servicing costs to the City of Hamilton and the Regional Municipality of Hamilton-Wentworth to the satisfaction of the Commissioner of the Regional Environment Department prior to the lifting of the 0.30 metre reserve, Block 39, Plan 62M-806; and,

(2) The Owner submit a Lot Grading Plan, prepared by a qualified Professional Consulting Engineer, for the Lots being created and enter into a Lot Grading Agreement with the City of Hamilton prior to the issuance of Building Permits to the satisfaction of the Commissioner of the Building Department; and,

(3) Development of the proposed lots be subject to the roadway connecting Gagliano Drive and Bolzano Drive being established and constructed to its full width; and,

(v) That following the enactment of this By-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the By-law and endorse the same on the By-law.

(d) **Proposed Draft Plan of Condominium by 712169 Ontario Limited (Homes by Malatesta) "Gage Hill" - 1232 Upper Gage Avenue, dated 1997 June 23:**

(i) That approval be given to application CDM-97-04 (Regional File 25CDM-97005), 712169 Ontario Limited (Gino Malatesta), owner, to establish a draft plan of condominium "Gage Hill", located south of the Red Hill Creek Expressway, on the west side of Upper Gage Avenue and known municipally as 1232 Upper Gage Avenue, as

shown on the attached map marked as Appendix "J", subject to the following conditions:

(1) That this approval apply to the plan prepared by A.J. Clarke and Associates Limited and certified by B.J. Clarke, O.L.S., dated May 8, 1997, showing a total of 7 residential townhouse units, as shown on Appendix "K"; and,

(2) That the Final Plan of Condominium be in strict conformity with the Site Plan approved on 1997 May 16, under application DA-97-04; and,

(3) That the applicant enter into a Site Plan agreement with the City, prior to final approval of the Condominium; and,

(4) That the Condominium Corporation be required to enter into and register on title, prior to the sale of any unit, an Agreement of the Condominium Corporation to assume and be bound by the Site Plan Agreement, to the satisfaction of the City Solicitor; and,

(5) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton.

(ii) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

(e) **8/14 Chilton Place - Heritage Permit Application, dated 1997 June 24:**

That a Heritage Permit be approved for the construction of a new single-family dwelling at 8/14 Chilton Place in the Durand-Markland Heritage Conservation District (designated under Part V of the Ontario Heritage Act), as shown on the attached drawings marked as Appendix "L" (dated 1997 May 15) and Appendix "M" (dated 1997 May 20).

(f) **Gore Heritage 2000 Program, dated 1997 June 24:**

(i) That the applications for grants provided by the Gore Heritage 2000 Program be approved by the CAO; and,

(ii) That the maximum grant per property be established at $20,000.

E. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

Century Manor, Hamilton Psychiatric Hospital - Designation Under the Ontario Heritage Act, dated 1997 June 24:

(i) That approval be given to the Intent to Designate the building known as "Century Manor", located on the Hamilton Psychiatric Hospital grounds at 100 West Fifth Street, as a property of historical and architectural value as outlined in the Reasons for Designation attached hereto and marked as Appendix "N", pursuant to the provisions of the Ontario Heritage Act, 1983; and,

(ii) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983

8. OTHER BUSINESS

(a) Alderman Caplan stated that he would like staff to review the Guelph By-law which licences Lodging Homes.

Len King stated that a report is coming back to Committee with a recommendation on this matter.

9. ADJOURNMENT

There being no further business, the Committee meeting adjourned.

Alderman D. Drury, Chairman
Planning and Development Committee

Tina Agnello
Secretary

/jt

MONTHLY RENTAL CHARGES AS OF MAY 1, 1997

141 Catharine Street South

Unit 101 141 Catharine Street South
Unit 101
Hamilton, ON
L8N 2J7

Rent: $527.46

Unit 102 141 Catharine Street South
Unit 102
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 103 141 Catharine Street South
Unit 103
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 201 141 Catharine Street South
Unit 201
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 202 141 Catharine Street South
Unit 202
Hamilton, ON
L8N 2J7

Rent: $550.00

Unit 203 141 Catharine Street South
Unit 203
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 204 141 Catharine Street South
Unit 204
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 205 141 Catharine Street South
Unit 205
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 206 141 Catharine Street South
Unit 206
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 301 141 Catharine Street South
Unit 301
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 302 141 Catharine Street South
Unit 302
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 303 141 Catharine Street South
Unit 303
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 304 141 Catharine Street South
Unit 304
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 305 141 Catharine Street South
Unit 305
Hamilton, ON
L8N 2J7

Rent: $550.00

Unit 306 141 Catharine Street South
Unit 306
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 401 141 Catharine Street South
Unit 401
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 402 141 Catharine Street South
Unit 402
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 403 141 Catharine Street South
Unit 403
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 404 141 Catharine Street South
Unit 404
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 405 141 Catharine Street South
Unit 405
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 406 141 Catharine Street South
Unit 406
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 501
141 Catharine Street South
Unit 501
Hamilton, ON
L8N 2J7

Rent: $465.79

Unit 502
141 Catharine Street South
Unit 502
Hamilton, ON
L8N 2J7

Rent: $475.00

Unit 503
141 Catharine Street South
Unit 503
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 504
141 Catharine Street South
Unit 504
Hamilton, ON
L8N 2J7

Rent: $450.00

Unit 505
141 Catharine Street South
Unit 505
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 506
141 Catharine Street South
Unit 506
Hamilton, ON
L8N 2J7

Rent: $450.00

Unit 601
141 Catharine Street South
Unit 601
Hamilton, ON
L8N 2J7

Rent: $450.00

Unit 602
141 Catharine Street South
Unit 602
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 603
141 Catharine Street South
Unit 603
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 604
141 Catharine Street South
Unit 604
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 605
141 Catharine Street South
Unit 605
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 606
141 Catharine Street South
Unit 606
Hamilton, ON
L8N 2J7

Rent: $450.00

Unit 701 141 Catharine Street South
Unit 701
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 702 141 Catharine Street South
Unit 702
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 703 141 Catharine Street South
Unit 703
Hamilton, ON
L8N 2J7

Rent: $450.00

Unit 704 141 Catharine Street South
Unit 704
Hamilton, ON
L8N 2J7

Rent: $465.79

Unit 705 141 Catharine Street South
Unit 705
Hamilton, ON
L8N 2J7

Rent: $550.00

Unit 706 141 Catharine Street South
Unit 706
Hamilton, ON
L8N 2J7

Rent: $425.00

Unit 801 141 Catharine Street South
Unit 801
Hamilton, ON
L8N 2J7

Rent: $455.78

Unit 802 141 Catharine Street South
Unit 802
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 803 141 Catharine Street South
Unit 803
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 804 141 Catharine Street South
Unit 804
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 805 141 Catharine Street South
Unit 805
Hamilton, ON
L8N 2J7

Rent: $550.00

Unit 806 141 Catharine Street South
Unit 806
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 901 141 Catharine Street South
Unit 901
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 902 141 Catharine Street South
Unit 902
Hamilton, ON
L8N 2J7

Rent: $450.00

Unit 903 141 Catharine Street South
Unit 903
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 904 141 Catharine Street South
Unit 904
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 905 141 Catharine Street South
Unit 905
Hamilton, ON
L8N 2J7

Rent: $450.00

Unit 906 141 Catharine Street South
Unit 906
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 1001 141 Catharine Street South
Unit 1001
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 1002 141 Catharine Street South
Unit 1002
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 1003 141 Catharine Street South
Unit 1003
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 1004 141 Catharine Street South
Unit 1004
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 1005 141 Catharine Street South
Unit 1005
Hamilton, ON
L8N 2J7

Rent: $450.00

Unit 1006 141 Catharine Street South
Unit 1006
Hamilton, ON
L8N 2J7

Rent: $495.00

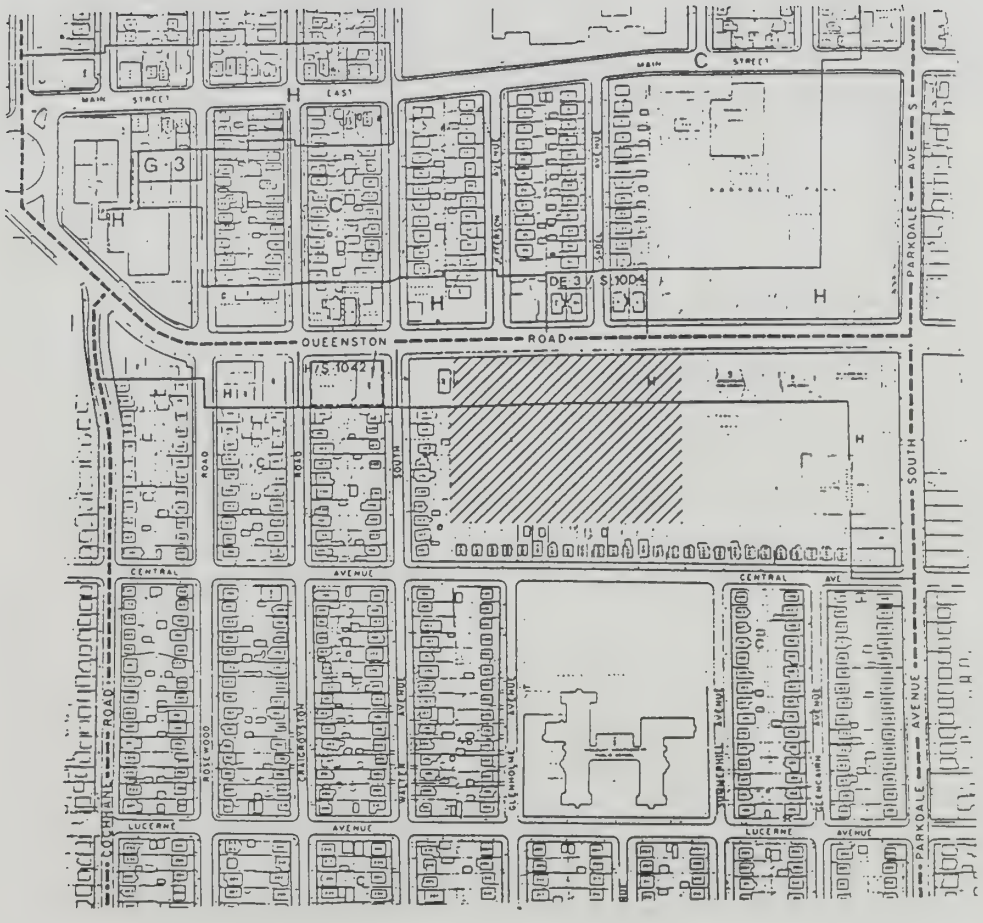
The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

(a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to purchase shall be prepared by the Owner and registered by the Owner at his/her expense, including payment of registration fees.

(b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.

(c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.

Appendix "C" as referred to in Section 2(a) of the Planning and Development Committee Minutes dated 1997 July 2

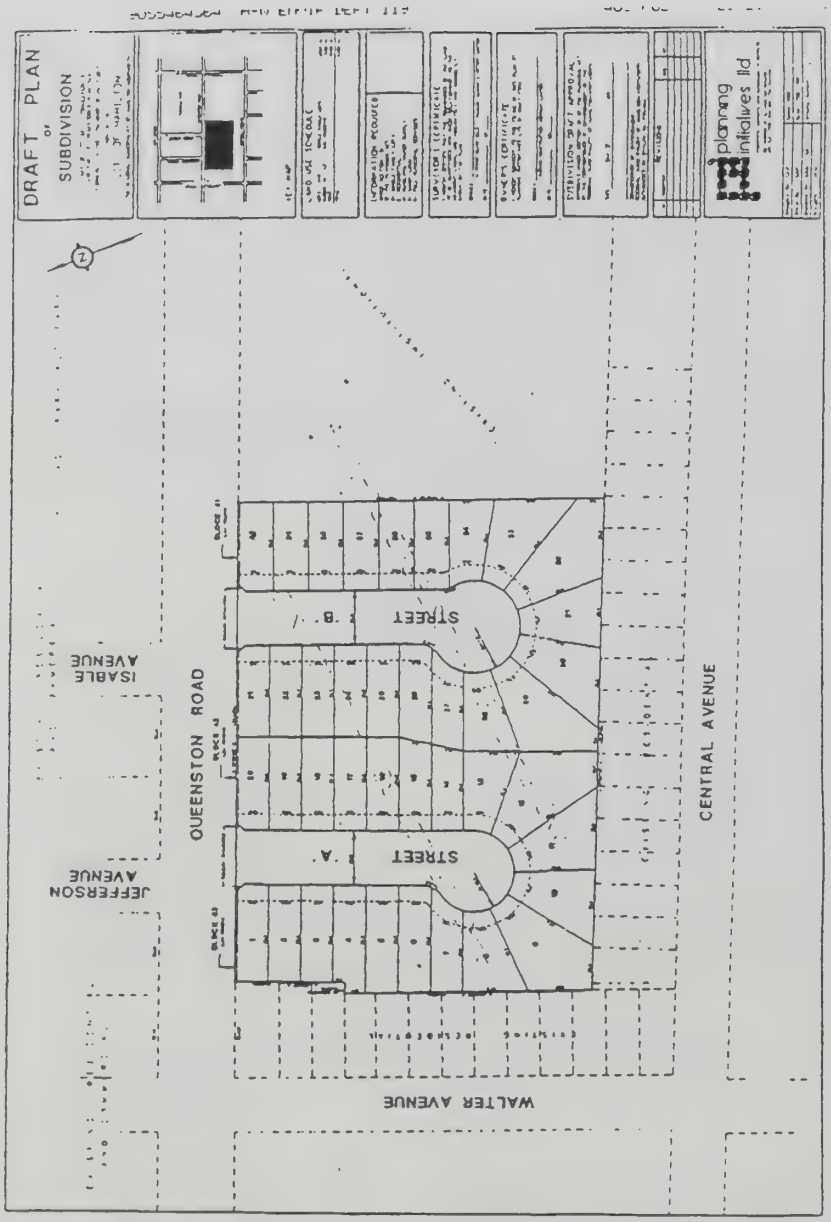


Legend

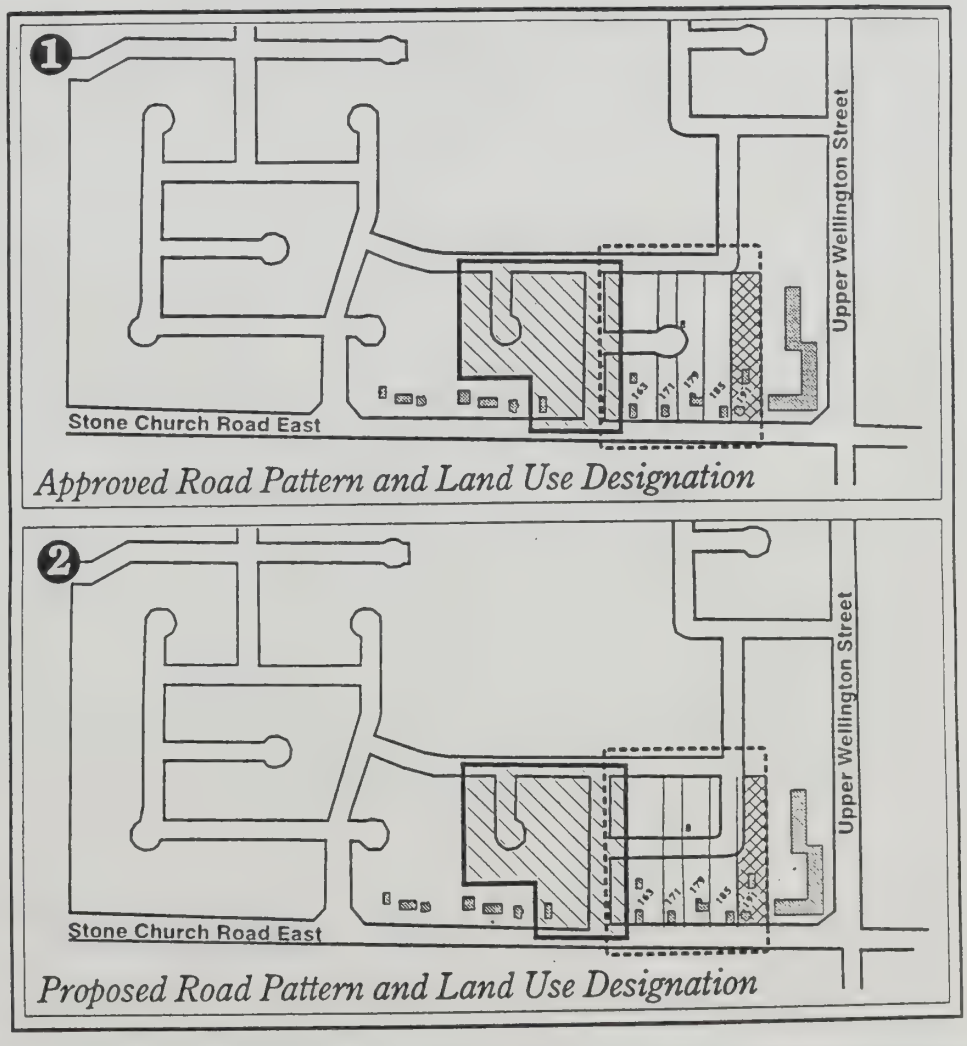
Site of the Application

Reference File No.	
SAC-97-02	
Drawn By	Date
R.L.	June 1997
Scale	
Not to Scale	
North	

Appendix "D" as referred to in Section 2(a)(i) of the Planning and Development Committee Minutes dated 1997 July 2



Appendix "E" as referred to in Section 3A(b) of the Planning and Development Committee Minutes dated 1997 July 2



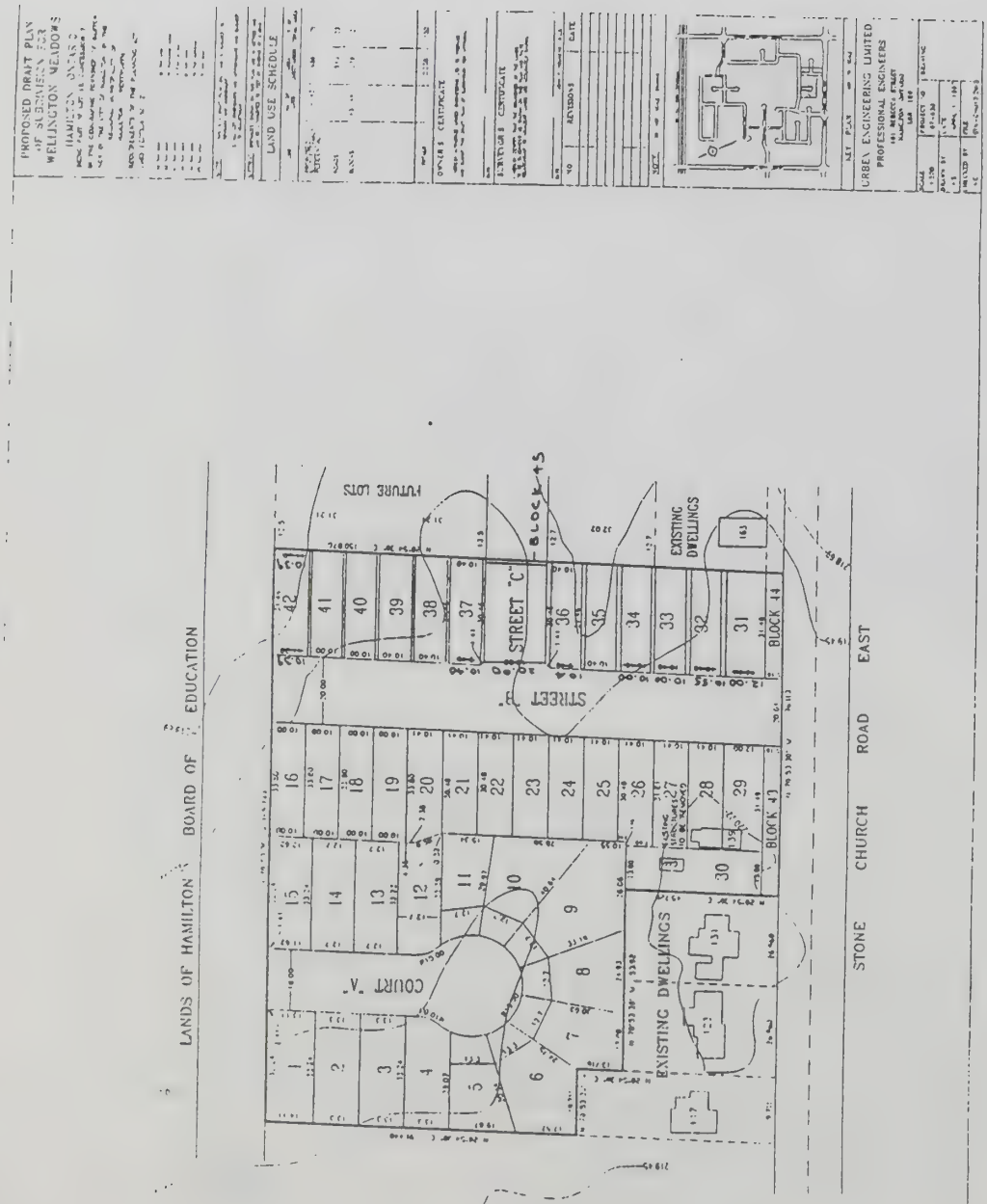
proposed plan of subdivision for single family dwellings

portion of Jerome neighbourhood affected by the amendment

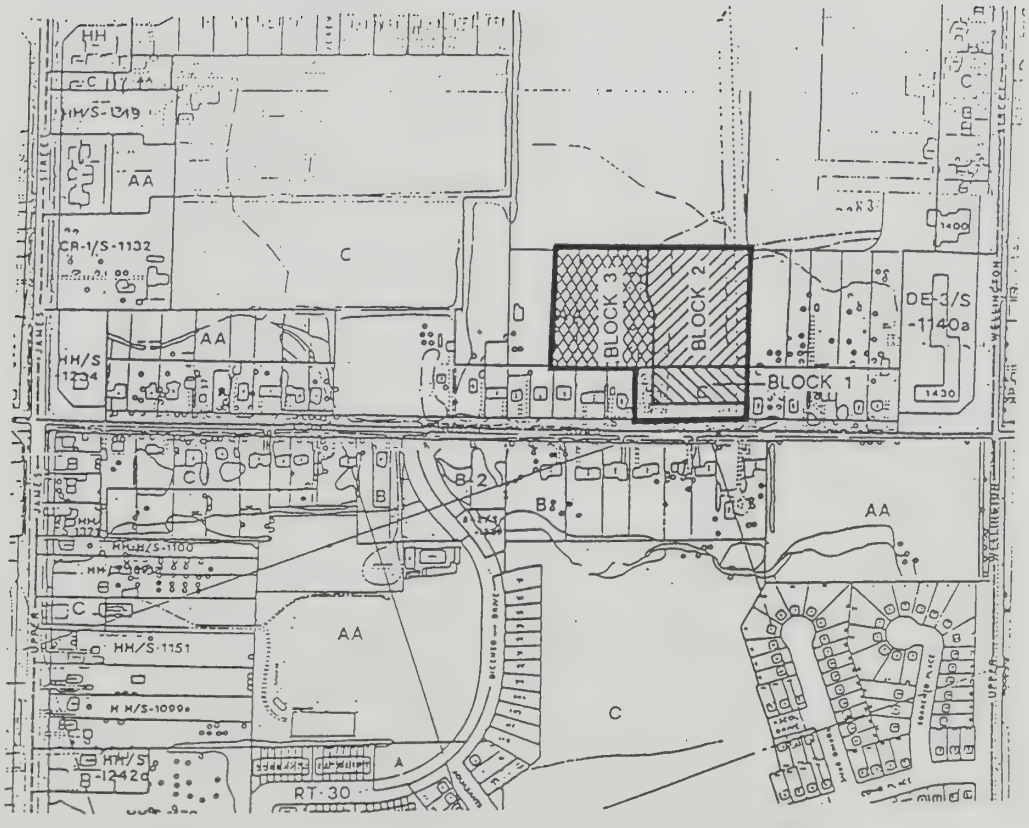
change the designation from "Institutional and Recreational" to "Single and Double" Housing

P5-2-82

Appendix "F" as referred to in Section 3B(a)(i) of the Planning and Development Committee Minutes dated 1997 July 2



Appendix "G" as referred to in Section 3B(d) of the Planning and Development Committee Minutes dated 1997 July 2



Legend

Proposed change in zoning:

Block 1 — From "C" (Urban Protected Residential) District, to "R-4" (Small Lot Single Family Dwelling) District.

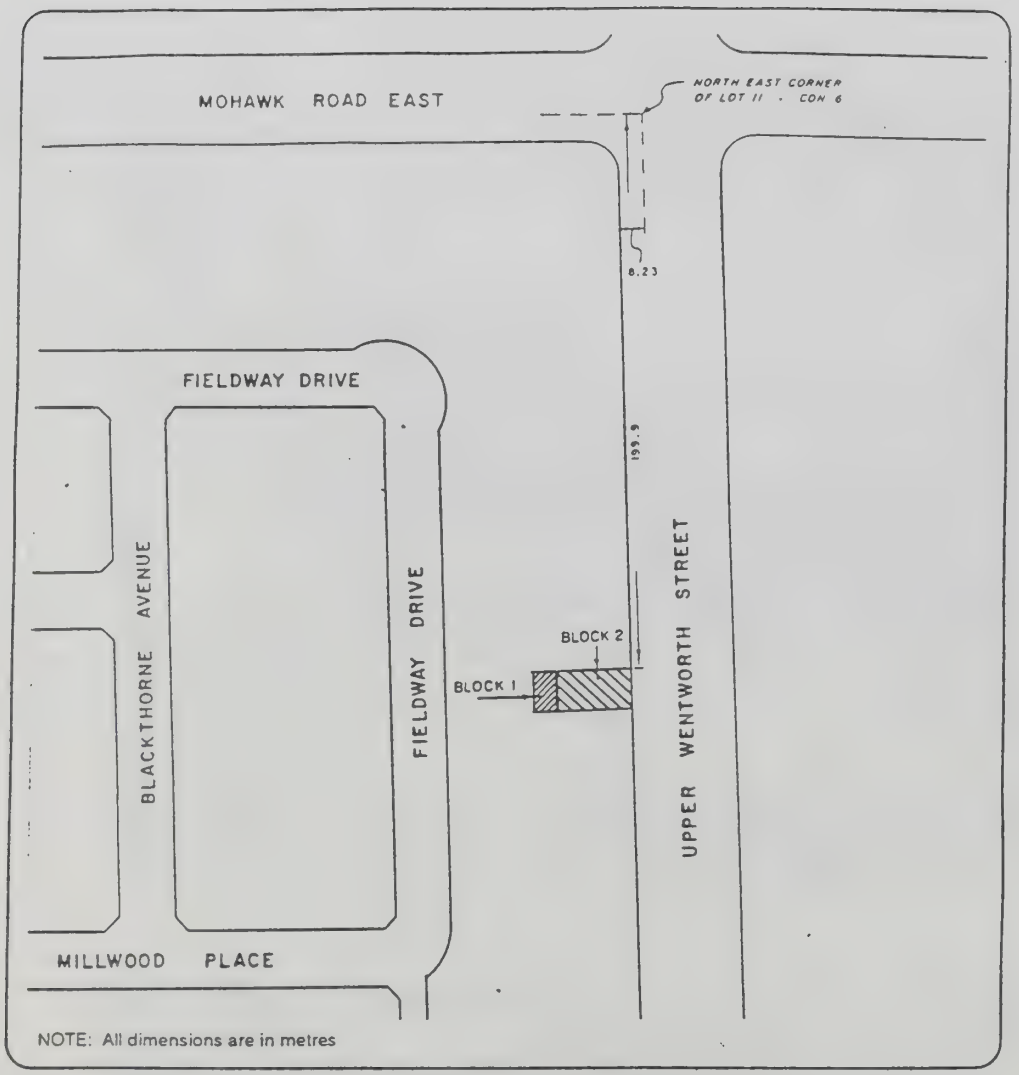
Block 2 — From "AA" (Agricultural) District, to "R-4" (Small Lot Single Family Dwelling) District

Block 3 — From "AA" (Agricultural) District, to "C" (Urban Protected Residential, etc) District

Subject Lands

Reference File No.
ZAC-97-14
SAR-97-01
Drawn By: S.H. — Date: May 1997
Scale: Not to Scale
North

Appendix "H" as referred to in Section 7D(a)(i) of the Planning and Development Committee Minutes dated 1997 July 2



City of Hamilton

to By-Law No. 97-.....

Planning and Development Department

Legend

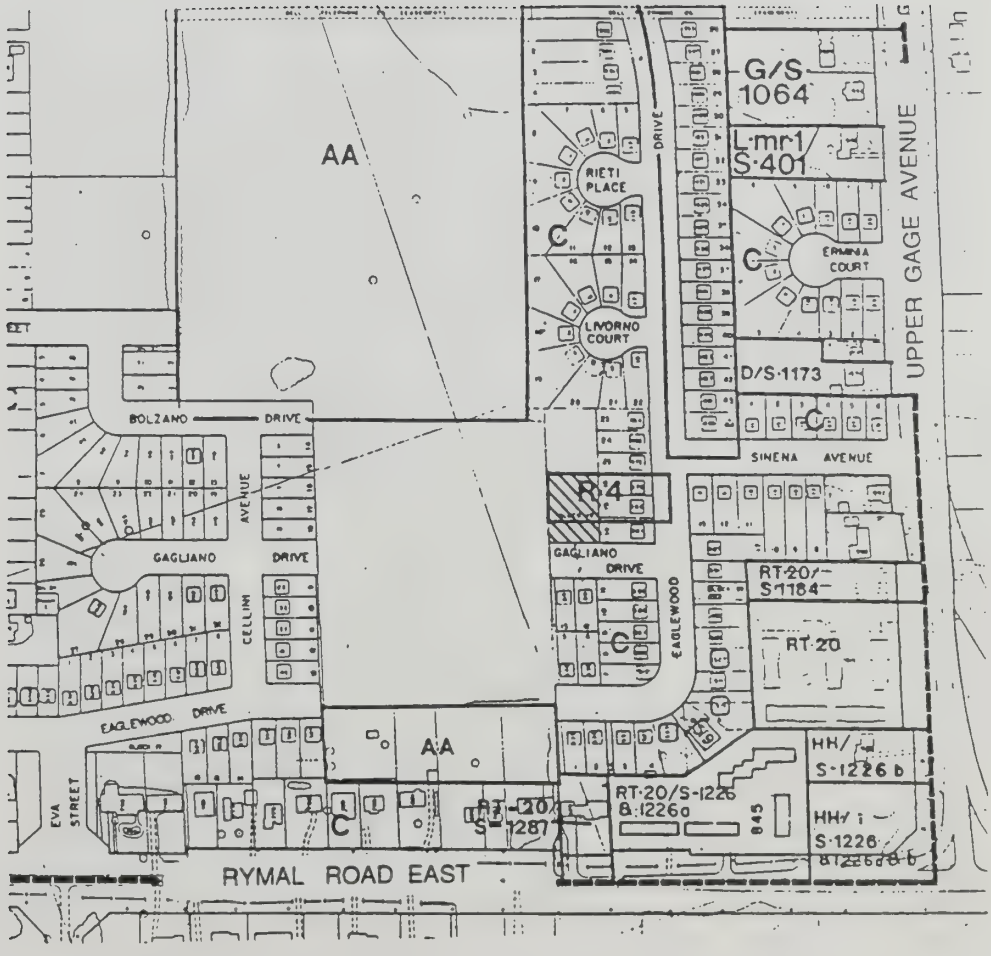
BLOCK 1

BLOCK 2

Lands to be regulated by By-law No 97

North	Scale	Reference File No
	NOT TO SCALE	ZAR-97-25
	Date	Drawn By
	JUNE 97	R.L

Appendix "I" as referred to in Section 7D(c)(i) of the Planning and Development Committee Minutes dated 1997 July 2

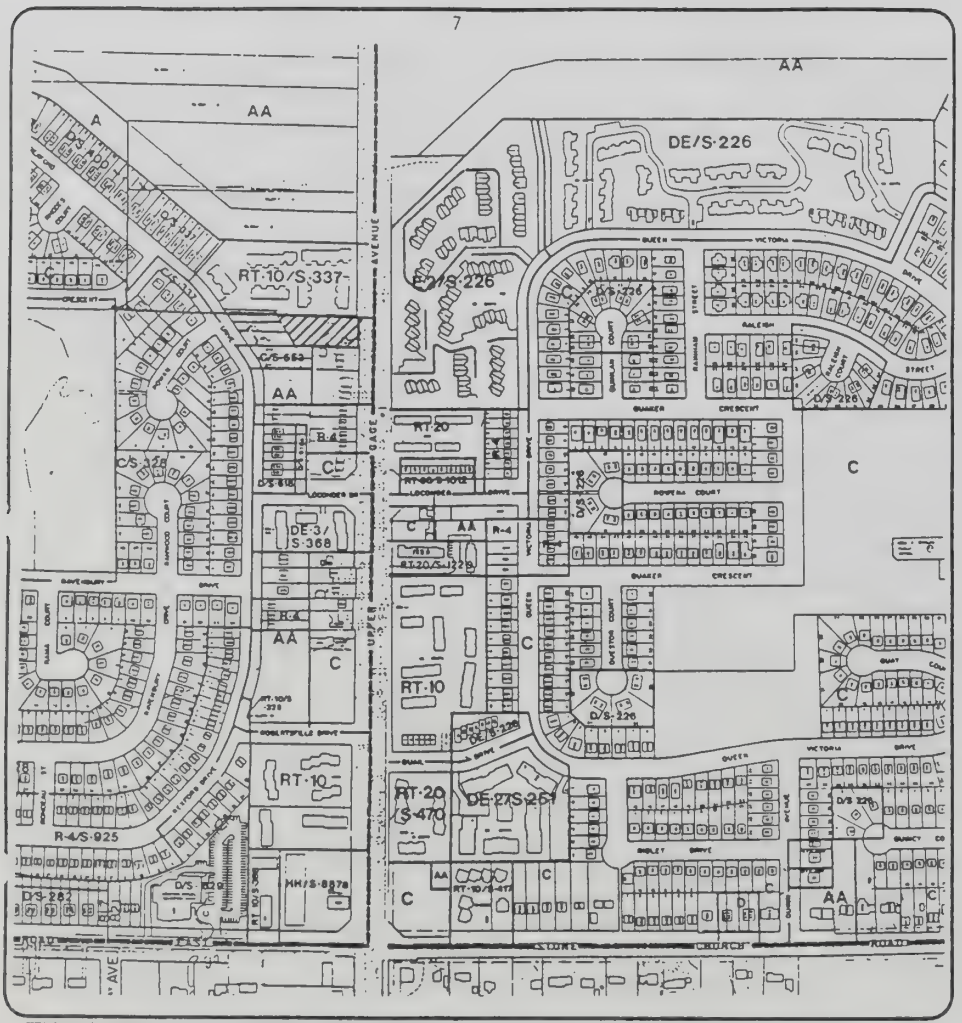


Legend

Site of the Application

PLC-97-01

Appendix "J" as referred to in Section 7D(d)(i) of the Planning and Development Committee Minutes dated 1997 July 2



City of Hamilton

APPLICATION CDM-97-04

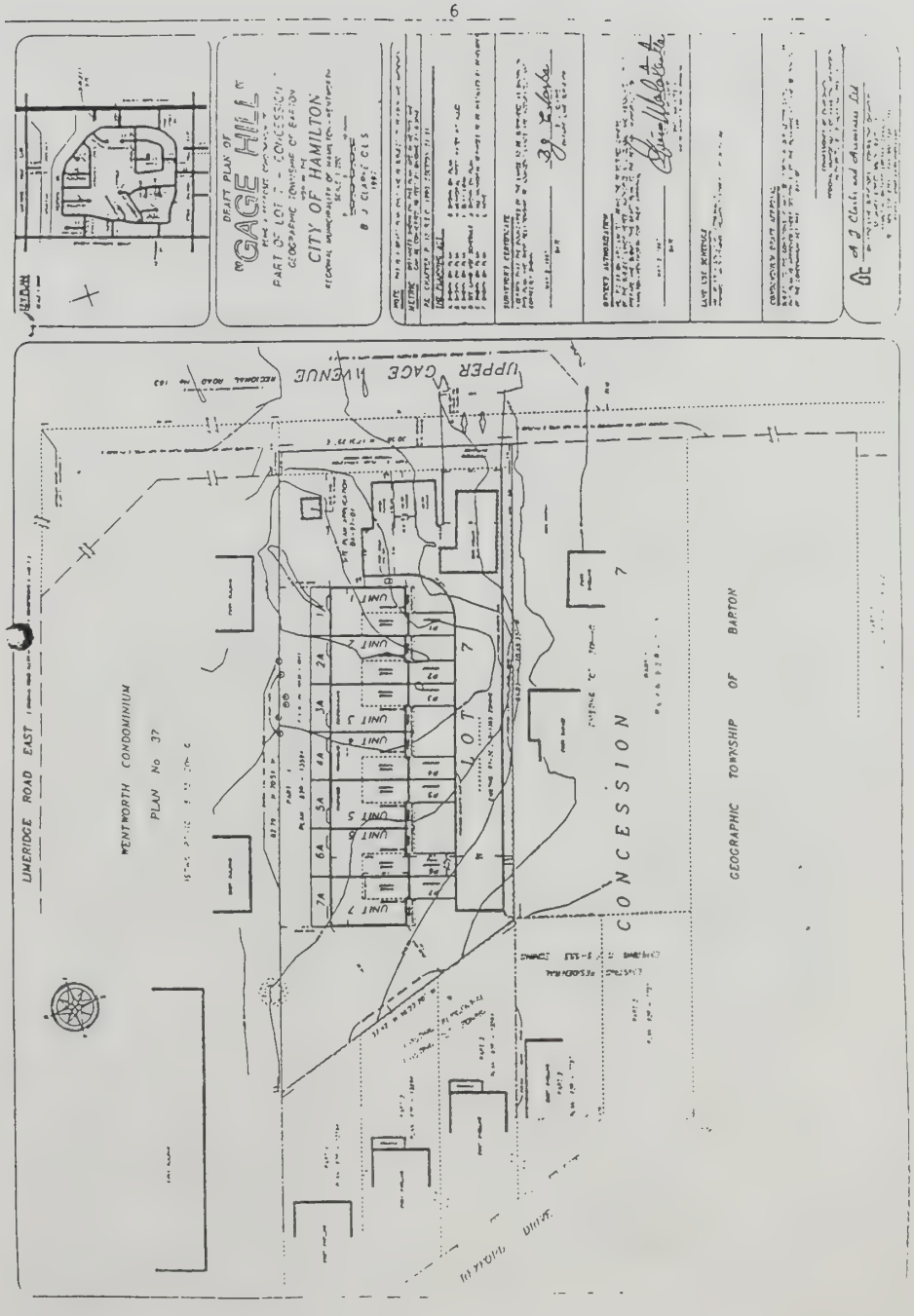
Planning and Development Department

Legend

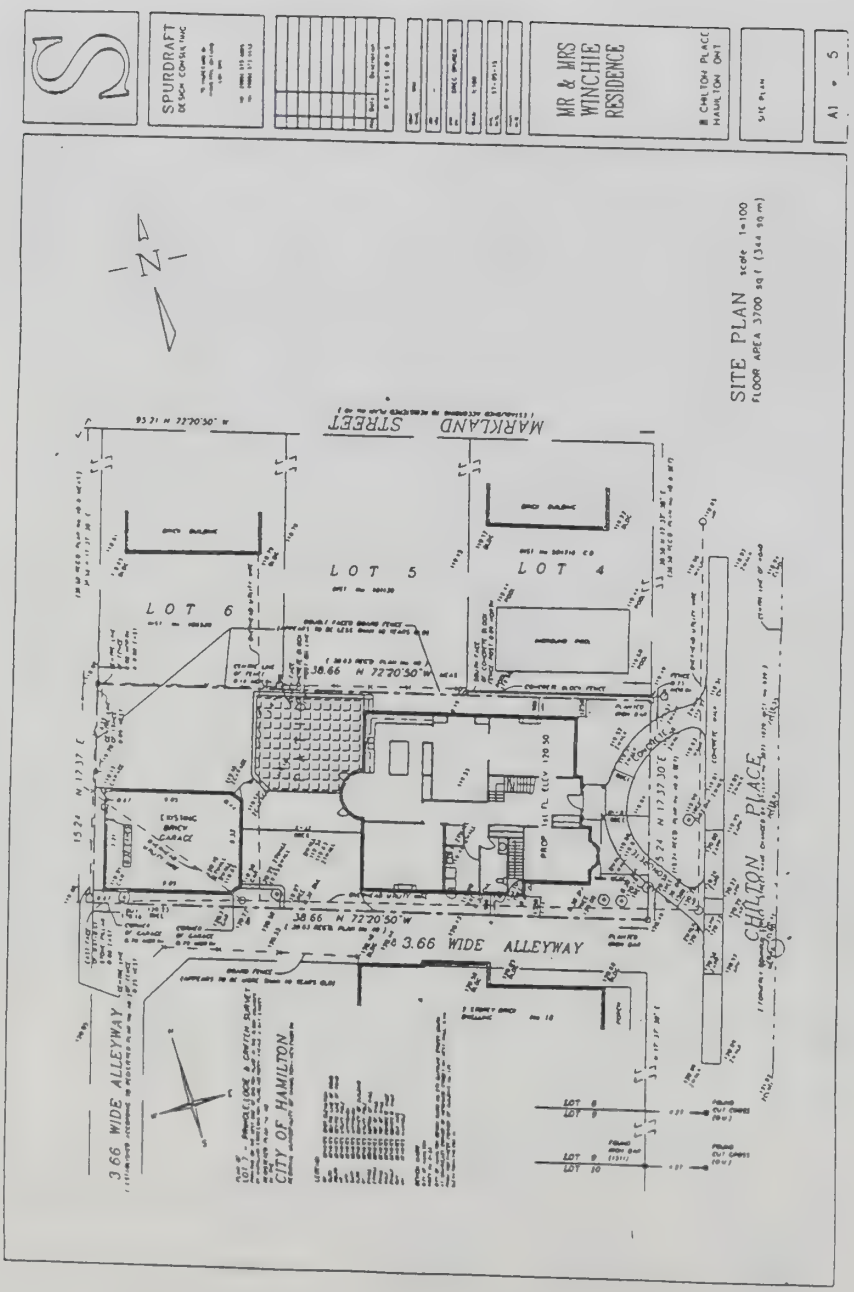
Site of the Application

North	Scale	Reference File No.
	Not to Scale	CDM-97-04
	Date	Drawn By
	JANUARY 1997	F.A.

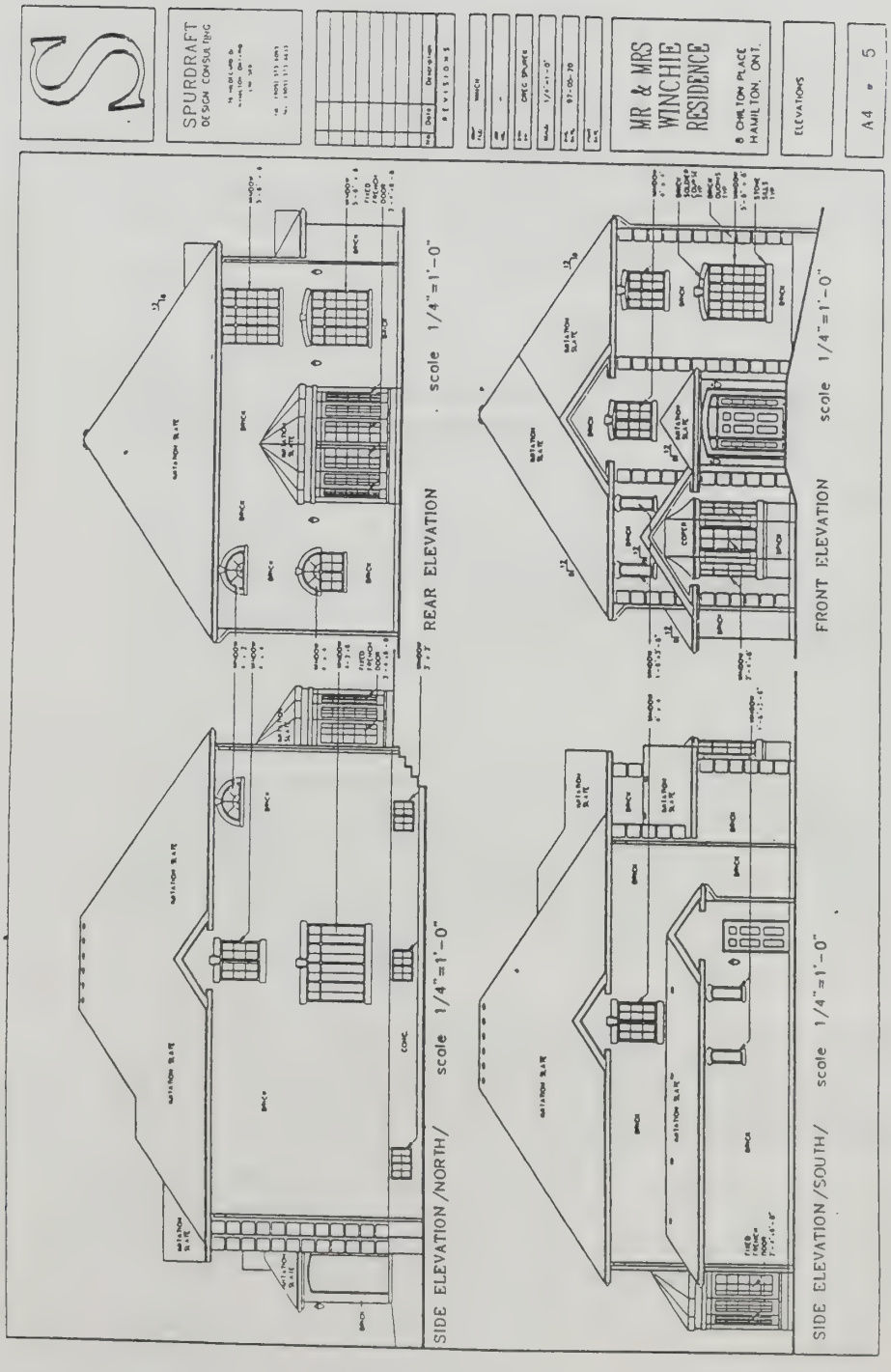
Appendix "K" as referred to in Section 7D(d)(i)(1) of the P. & D. Committee Minutes dated 1997 July 2



Appendix "L" as referred to in Section 7D(e) of the Planning and Development Committee Minutes dated 1997 July 2



Appendix "M" as referred to in Section 7D(e) of the Planning and Development Committee Minutes dated 1997 July 2



REASONS FOR DESIGNATION

CENTURY MANOR
(originally East House)

Hamilton Psychiatric Hospital
100 West 5th Street

Context

The large High Victorian building, located on the grounds of the Hamilton Psychiatric Hospital and now known as Century Manor, was erected in 1884 as the second building built for the Hamilton Asylum for the Insane, a rapidly expanding complex of provincially-owned buildings devoted to the care and treatment of the mentally ill.

Century Manor is the focal point of a cluster of auxiliary buildings situated on the western half of the hospital property, where the main complex of asylum buildings was located until the early 20th century. Of the 19th century buildings located on the present hospital grounds, Century Manor is by far the largest and architecturally most distinguished (vacant since 1995).

History

Officially opened in March 1876 for the treatment of individuals suffering from mental illness, the Hamilton Asylum for the Insane was the sbdh "insane asylum" in Ontario, following those opened in Toronto (1841), Kingston (1850), Amherstburg (1859), Orillia (1861), and London (1870). The emergence of these institutions reflected the 19th century trend for government to provide special care facilities for the mentally ill. Typically, the Hamilton asylum was planned and developed as a largely self-sufficient community. Much of the labour for maintaining the grounds, growing and harvesting crops, and new construction was provided by the patients.

By 1878, further expansion was based on the "cottage system", whereby patients were housed in separate smaller buildings providing a more home-like atmosphere. The first so-called "cottage", East House (since renamed Century Manor), was designed to house 60 patients; the second and much larger Orchard House (built 1887, since demolished) could hold up to 300.

The function of East House evolved to meet the hospital's changing needs. Initially intended for the reception and treatment of acute cases of mental illness, the building was subsequently adapted for the care and safekeeping of "criminally insane" patients, a use which it served until 1921. From that time on, East House/ Century Manor accommodated regular patients and/or various treatment facilities,

including the Mental Health Clinic (1929-1960), a therapeutic centre for adolescents (1968-74), a Forensic Unit (1972-78), and most recently, a day program for chronic psychiatric patients (1981-95).

Architecture

Century Manor is a rare surviving example of a special-purpose building designed to house mentally ill patients, originally referred to as a "cottage". Its design was based on the Kirkbride Linear Plan, the 19th century American prototype for new purpose-built asylum facilities, which was adopted as the standard for Ontario asylums. Century Manor is the only surviving building of its kind in Hamilton and one of few still standing in the province.

Century Manor also ranks among the finest High Victorian institutional buildings remaining in Hamilton. This large, imposing brick building, with a symmetrical facade, comprises four visually distinct yet stylistically unified components: a three-storey square centre block with flanking two-storey wings and a rear kitchen wing added in 1895. The elaborate centre block features a low-pitched hip roof with a pedimented gable over the projecting frontispiece, eaves embellished with modillions and paired brackets (terminating the corner piers), and paired windows above the entrance with round or segmental arches and prominent keystones. Punctuating the long facade of each wing is an octagonal bay with single eave brackets marking the four corners; the end of each wing is terminated by a square gabled bay echoing the design of the frontispiece. The architectural detailing of the centre block and wings is very similar, with sills and string courses made of stone and contrasting yellow brick used to accentuate the segmentally-arched window lintels, corner piers and quoins (lintels now painted white). The existing raised portico, though not original, still enhances the front entrance, with its coupled wood columns rising from cut stone plinths. The once impressive doorway with ornate glazed double doors, narrow sidelights and transom light has been replaced.

Designated Features

Important to the preservation of Century Manor are the original features of all four facades, including the window openings, sills and lintels; the decorative brickwork; the stone sills and string courses; the brick chimneys; the decorative wood eave brackets and modillions; and the entrance portico. Excluded on the front facade is the existing central doorway and two fire exit doorways in the gabled bays terminating each wing.

Tuesday, 1997 July 8 AB)
7:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met in Special Session.

There were present:
Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Alderman M. Caplan
Alderman B. Charters
Alderman H. Merling

Regrets:
Mayor R. M. Morrow, Civic Business
Alderman Wm. McCulloch, Civic Business
Alderman F. Eisenberger, Civic Business
Alderman G. Copps, Civic Business

Also present:
Joe Pavelka, C.A.O.
Victor Abraham, Director of Planning and Development Department
Joanne Hickey-Evans, Planning and Development Department
Eugene Chajka, Regional Environment Department
Tina Agnello, Secretary

1. <u>Zoning Application 96-11, 73 Garfield Avenue South (Previously Tabled)</u>

As recommended by the Director of Planning and Development in a report dated 1997 July 4 as amended, the Committee recommended to Council as follows:

(a) That approval be given to amended Zoning Application ZAC-96-11, Alfrin Enterprises Corporation (Al Frisina), owner, requesting a further modification to the established "C" (Urban Protected Residential, etc.) District for lands located at 73 Garfield Avenue South, to permit the conversion of the existing building to a senior citizens facility for 36 residents, as shown on the attached map marked as Appendix "A", on the following basis:

(i) That By-law No. 94-027 be repealed in its entirety; and,

(ii) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements;

(1) notwithstanding Section 9.(1) of Zoning By-law No. 6593, the following uses shall be permitted:

(a) a senior citizens facility containing "housekeeping dwellings units" for the accommodation of not more than thirty-six residents within the building existing at the time of the passing of the by-law; and,

(b) not more than 2 residents shall be accommodated in a housekeeping dwelling unit; and,

(c) lounges, common spaces, kitchen facilities, a dining room in conjunction with a senior citizens facility;

(2) for the purposes of the By-law, a senior citizens facility means a facility within which all residents are at least 60 years of age or older; and,

(3) notwithstanding Section 9.(2) of Zoning By-law No. 6593, no building shall exceed 5 storeys and 12 m in height; and,

(4) notwithstanding Table 1 of Section 18A. of Zoning By-law No. 6593, not less than 13 parking spaces shall be provided and maintained; and,

(5) notwithstanding Section 18A(7) of Zoning By-law No. 6593, eleven of the required parking spaces shall have dimensions of not less than 2.5m by 5.7m; and,

(6) notwithstanding Section 18A(8) of Zoning By-law No. 6593, the two parallel parking spaces shall have a length of not less than 6.3 m; and,

(7) notwithstanding Section 18A(9) of Zoning By-law No. 6593, part of the manouvering area for the two parallel parking spaces shall be provided off-site; and,

(8) Sections 18A(1)(c), 18A(11)(a), 18A(12)(a) and 18A(25) of Zoning By-law No. 6593 shall not apply; and,

(9) notwithstanding Section 18A(12)(c) of Zoning By-law No. 6593, a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the southerly lot line except that no visual barrier shall be situate less than 3.0 m in distance from the front lot line; and,

(10) notwithstanding Section 18A(24)(b)(i) of By-law No. 6593, the existing unassumed alleyway located to the rear of the lands shall provide the required access for the required parking area located on site; and,

(11) a landscaped area not less than 105.0 m^2 shall be provided and maintained in the front yard; and,

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - 1376, and that the subject lands on Zoning District Map E-33 be notated S - 1376; and,

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-33 for presentation to City Council; and,

(v) That upon finalization of the Zoning By-law that the approved Stipeley Neighbourhood Plan be amended to redesignate the subject lands from "Single and Double" Residential to "Medium Density Apartments"; and,

(vi) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

2. Park Site Preparation Obligations of Subdivider in Allison Estates Subdivision

The Committee concurred to suspend the rules of order to hear this as an added item.

As recommended by the Director of Planning and Development in a report dated 1997 July 8, the Committee recommended to Council as follows:

Regarding archaeological resource aspects of a 1.275 acre portion of the Allison Neighbourhood Park (which portion was dedicated to the City by 200 Rymal Road Inc. (A. DiSilvestro) as a condition of subdivision approval of Allison Estates),

(a) that the City's Subdivision Agreement for Allison Estates Phase Four between 200 Rymal Road Inc. (A. DiSilvestro) and the City provide,

(i) that the subdivider shall deposit security with the City in the amount of $20,000. for the estimated cost of a cultural heritage resource assessment of the park site for the existing unexcavated archaeological resource identified at that location and for the full cost of removal and remedial works to the satisfaction of the Regulatory Operations Group of the Ministry of Culture, Tourism and Recreation and the City Engineer; and,

(ii) that the Subdivision Agreement for Allison Estates Phase Four authorize the City to draw upon any other securities posted under that Subdivision Agreement in the event the security posted in item (i) above is insufficient, in the City's sole discretion; and,

(b) that upon the complete execution of the Subdivision Agreement for Allison Estates Phase Four, the City Clerk be authorized to inform the Ministry of Culture, Tourism and Recreation on behalf of the City that the park site in the Allison Neighbourhood will not be developed until a cultural heritage resource assessment of the park site for existing unexcavated archaeological resources is first carried out.

3. ADJOURNMENT

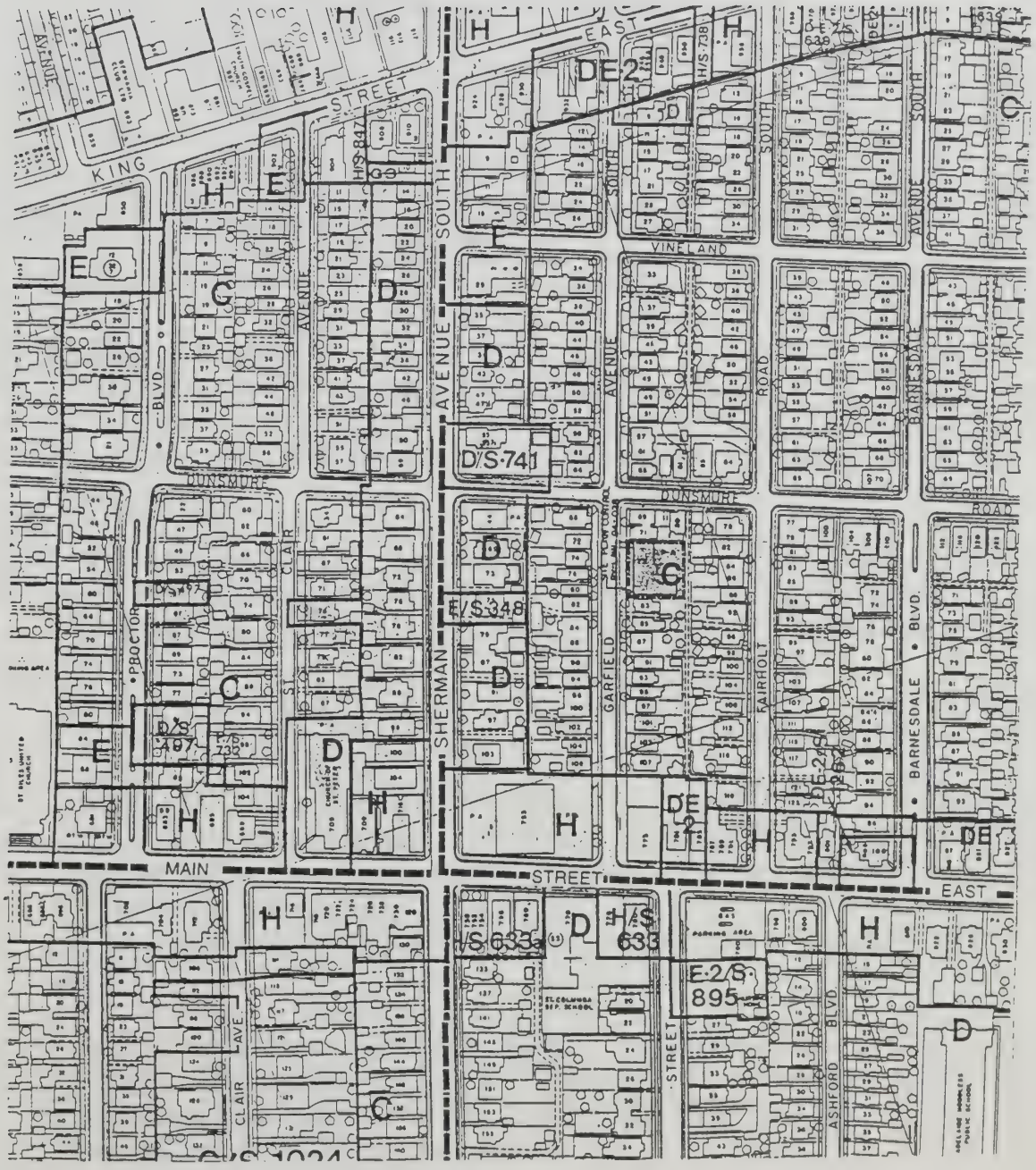
There being no further business, the Committee meeting adjourned.

Alderman D. Drury, Chairman
Planning and Development Committee

Tina Agnello
Secretary

/jt

Appendix "A" as referred to in Section 1(a) of the Planning and Development Committee Minutes dated 1997 July 8



Legend

Site of the Application

ZAC-96-11

Ba

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 3 1997

DATE: 1997 August 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: Barton Village Business Improvement Area (B.I.A.) - Expansion of Boundaries.

RECOMMENDATION:

1. That the Barton Village B.I.A. boundaries be expanded in a westerly direction to Ferguson Avenue and, in an easterly direction to Sherman Avenue North, incorporating the Westinghouse facilities as well as 139 Oak Avenue as per Appendix 'A'; and,

2. That the City Clerk's Department be authorized and directed to circularize the existing and proposed expansion area with the notice of intent to amend the designating by-law in accordance with Section 220 of the Municipal Act; and,

3. That the Law Department be authorized and directed to prepare the necessary amending by-law; and,

4. That in accordance with the Municipal Act, Section 220, Westinghouse Canada Inc.'s B.I.A. levy be based on one-third of its realty assessment for its facilities municipally known as 29 Princess Street, 286 Sanford Avenue North and 42 Westinghouse Avenue, since it will not receive as much benefit from the designation of the B.I.A. as do other businesses within the proposed expansion of the Barton Village B.I.A.; and

5. That in accordance with the Municipal Act, Section 220, sub-section (19), the City Clerk's Department be authorized and directed to give the requisite notice of the intent to pass a by-law reducing Westinghouse Canada Inc.'s property assessment by two-thirds for B.I.A. levy purposes; and,

6. That the City Solicitor be authorized and directed to prepare the necessary by-law for (6) above.

Lobo

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Section 220 of the Municipal Act dictates the necessary notification for expansion of a B.I.A. as well as setting minimum/maximum levies.

There are no staffing or financial implications for the City of Hamilton.

BACKGROUND:

The Public Works and Traffic Department received a letter dated 1997 August 13 (attached as Appendix 'B') from the Barton Village B.I.A. requesting that its boundaries be expanded. This expansion incorporates a number of businesses that have expressed interest in being included within the B.I.A.

Westinghouse Canada Inc.'s realty assessment is quite substantial and, since B.I.A. budgets are raised from individuals who pay business tax based on the individual businesses' realty assessment in relation to the total realty assessment for the entire B.I.A., Westinghouse Canada Inc. would be paying approximately 60% of any Barton Village B.I.A. budget. Therefore Westinghouse Canada Inc., as well as the Barton Village B.I.A., have requested that Westinghouse Canada Inc. be billed a B.I.A. levy based on one third of its realty assessment. Precedent has been set with the two hotels within the Downtown Hamilton B.I.A. where their realty assessments were reduced by two-thirds for the purpose of their B.I.A. levies.

In accordance with Section 220 of The Municipal Act, all of those within the existing and proposed expansion area assessed for business purposes and included in the last revised assessment roll must receive notice of the intention to pass the expanding by-law as well as the special levy by-law.

DL:HM:hm
P&DBarton.Expansion
Encl's.
c.c. Keith Cody, Chairman,
Barton Village B.I.A.

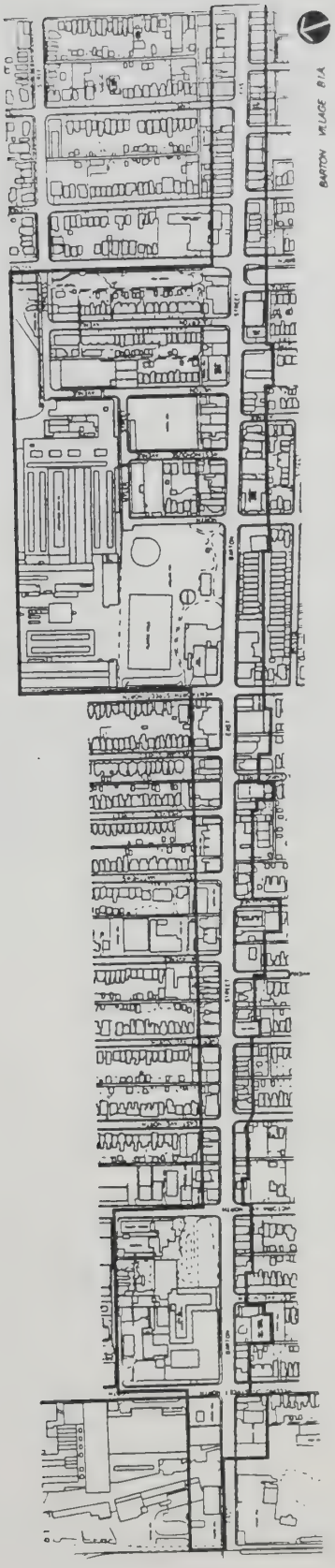
Alderman B. Morelli
Ward Three

Alderman D. Drury
Ward Three

Patrice Noé Johnson, City Solicitor
Law Department

Joe Schatz, City Clerk
City Clerks Department

APPENDIX 'A'



APPENDIX 'B'

BARTON VILLAGE BIA

277 East Avenue North.
P.O. Box 900
Hamilton, ON L8N 3P6
Tel: (905) 527-9163
Fax: (905) 527-4881

Aug. 13/97

Re: BIA Extension

Dear Hazel,

During our BIA's last Board of Management meeting on July 30, the Board of Management voted on the expansion of the Barton Village BIA. The BIA's boundaries will encompass Ferguson Avenue, to the west and Sherman Avenue, to the east. Within this boundary, we will be incorporating Westinghouse Canada Inc. and 139 Oak Street (Oakland Autobody). Also, the Barton Village BIA is requesting Westinghouse's levy be reduced to one-third the regular levy fee. Your cooperation and support would be greatly appreciated.

Yours sincerely,

Bradley Tye, Project Coordinator
Barton Village BIA

Business Improvement Area

Bb)

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 1 1997

DATE: 1997 August 7

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: Barton Village Business Improvement Area (B.I.A.) -
Revised Board of Management.

RECOMMENDATION:

1. That Schedule 'B' of By-law No. 97-54, appointing the Barton Village B.I.A. Board of Management, be repealed and the following names substituted:

SCHEDULE 'B'

K. Cody	Codys Home Decor Inc.
M. Tollis	The Riviera Banquet Centre
J. Hilger	Ways to Wisdom
K. Jokic	Bank of Montreal
D. Tranor	Dell Pharmacy
N. LaSala	Nick's Auto Service
J. Howard	Econ-o-wash Laundry

2. That the City Solicitor be directed to amend Schedule 'B' of By-law No. 97-54 pursuant to (1) above.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A.

BACKGROUND:

The Barton Village B.I.A.'s Board of Management met on 1997 July 30 and elected J. Howard to the Board.

DL:HM:hm
P&DBart.Revbom

c.c. Keith Cody, Chairman
Barton Village B.I.A.

Patrice Noé Johnson
City Solicitor
Law Department

Bc)

CITY OF HAMILTON

- RECOMMENDATION -

AUG 0 8 1997

DATE: 1997 July 8

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works & Traffic

SUBJECT: Revised Board of Management 1997; Main Street West Esplanade Business Improvement Area (B.I.A.)

RECOMMENDATION:

(a) That Schedule 'B' of By-law No. 97-014, appointing the Main Street West Esplanade B.I.A. Board of Management, be repealed and the following names substituted.

K. Mullholland	Taco Bell
I. Kobylanski	Izzy's Restaurants
M. Farrugia	Calla Decor and Design
J. Castellano	Castellano Real Estate
J. Morrison	Royal Bank
M. Barnard	Barnard & Speziale Design Associates Inc.
B. Hughes	Tim Hortons
M. Gunn	Mor Car Wash

(b) That the City Solicitor be authorized and directed to amend Schedule 'B' of by-law No. 97-014, and replace it pursuant to (1) above;

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

A meeting was held to ratify the interim Board of Management on 1997 June 24.

JP/jp
P&D\bdamend.mw

c.c. Mrs. M. Farrugia, Chairman
Ms. P. Noe Johnson, City Solicitor Law Department
Attn: Mr. A. Zuidema, Solicitor

(a)

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 2 1997

DATE: 1997 August 5

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Downtown Convert/Renovate-to-Rent Loan Program
37-39 King William Street (97.2.4.2.1.A)

RECOMMENDATION:

That a loan under the Downtown Convert-Renovate-to-Rent Loan Program in the amount of twenty-four thousand dollars ($24,000) to Jacqueline Bradley for conversion of 37-39 King William Street into two residential units be approved, subject to the following:

(a) fulfilment of the borrowing requirements of the Downtown Convert/Renovate-to-Rent Loan Program; and,

(b) approval by the Ministry of Municipal Affairs and Housing of the Downtown Community Improvement Plan.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

As part of the downtown revitalization effort, the City and Region initially set aside $180,000 each for a total of $360,000 for the Downtown Convert/Renovate-to-Rent Loan Program.

.../2

Under the 1997 Capital Program, the City added a further $200,000 to the program. The owner, Jacqueline Bradley, has applied for assistance under this program. The plan is to convert a portion of a building at 37-39 King William Street into two residential units. There are six existing rental apartments that the owner will also be renovating to comply with the Building and Fire Code. Reardon's Meat Market and Whitleys Flowers are located on the ground floor.

In accordance with the terms of the program, the Building Department has inspected the property under the Property Standards By-law 94-185, and the necessary repairs have been included in the cost of conversion. A building permit has now been issued and work is scheduled to start immediately. The estimated construction cost is $100,000.

Staff have reviewed the application and support the loan. The loan will be amortized over a ten year period at zero per cent interest. The monthly repayments will be $200 and this loan will be secured by a promissory note and a lien registered on title.

LCK/MM/jp

c.c. Ray Camani, Treasury Department
David Powers, Law Department
J. Bruzzese, Regional Finance

(b)

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 2 1997

DATE: 1997 August 5

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P.Eng.
Building Commissioner

SUBJECT: Residential Rehabilitation Assistance Program
Allocation for 1997 (97.2.4.2.1.A)

RECOMMENDATION:

(a) That the funding allocation letter on the Residential Rehabilitation Assistance Program from Canada Mortgage and Housing Corporation for capital funding of $170,000 of which $164,000 is deemed to be forgivable, be received; and

(b) That the supplemental agreement be executed.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Estimated delivery fee to be earned by the City of Hamilton is $12,000.

BACKGROUND:

The Federally funded Residential Rehabilitation Assistance Program provides vital assistance to owner/occupants of single family dwelling units, with limited incomes, to maintain their homes in accordance to Property Standards By-law 94-185.

.../2

The City of Hamilton has been successfully administering the Residential Rehabilitation Assistance Program since it's inception in 1974 on a fee for service basis. Over the last twenty-three years, the City has provided rehabilitation assistance to over 4100 homeowners. The City's commitment represents one of the most successful housing rehabilitation delivery programs in the country.

Recently, the City of Hamilton received notification from Canada Mortgage and Housing Corporation (CMHC) that the budget allocation for 1997 for the Hamilton-Wentworth Region is $170,000, capital, of which $164,000 is deemed to be forgivable. (Appendix A) In the past, the City has been successful in securing additional funding in the last quarter of the year when CMHC reallocates funds. In 1995, the City's allocation increased from $348,000 initially to $536,594 final. In 1996, there was no reallocation and none is expected for 1997. Due to many Federal riding constituents being referred to the City by their MP's for RRAP funding, staff will be sending letters to local MP's advising them of the lack of funding.

LCK/MM/jp
Attachment

CMHC SCHL

Helping to house Canadians

Question habitation comptez sur nous

Hamilton Branch Office

350 King St. East
Suite 202
P.O. Box 2056, Stn. "A"
Hamilton, Ontario
L8N 3R5

Succursale de Hamilton

350, rue King.E.
Porte 202
C.P. 2056, Succursale A
Hamilton (Ontario)
L8N 3R5

June 30, 1997

Mark Mascarenhas
City of Hamilton and c/o Town of Dundas
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mark:

Re: Residential Rehabilitation Assistance Program
Homeowner and Disabled
Emergency Repair Program

This is to advise that the remainder of your 1997 Capital Budget Allocations have been received.

As a result of an overall reduction of the budget funds for the Homeowner RRAP, Disabled RRAP and ERP programs, we will not be providing a separate allocation to any RRAP Delivery Agent in our territory at this time. We have, however, reserved an allocation for your geographical area which includes City of Hamilton, Town of Dundas and surrounding areas in the Hamilton Wentwoth region which are direct delivered, such as in the Town of Ancaster, City of Stoney Creek, Waterdown, Flamborough, etc.

The 1997 Homeowner Capital Budget allocations are as follows:

Capital $170,000. Forgivable $164,000.

Therefore should you have completed application packages ready for approval, please forward them to our office for processing as soon as possible.

As a result of the minimal amount of Disabled Allocations and Emergency Repair Program (for rural areas only) allocations received, we are not providing an allocation at this time.

Should you have completed application packages ready, please request the funding from our office prior to submitting.

This is a reminder that budget allocations for all Social Housing Programs are allocated on the basis of need as determined by a survey of need analysis. In view of the potential for demand to exceed budget allocations, we would suggest that your RRAP delivery be managed in such a way that it does not create client expectations which cannot be fulfilled. Clients and potential clients should be advised of program funding limitations and applications which cannot be accommodated within the allocation should not be finalized.

We wish to again confirm that the RRAP program has a Native content percentage of 11%, as set out in the annual provincial planning process. Therefore, it is planned that 11% of your 1997 budget allocation must be delivered to Native clients. This percentage has been held back for Native delivery. This targetted percentage should be recognized by the agent as a "mandatory" requirement in meeting the overall planning objectives of the program. The agent will give native applicants priority only until the target is met and will process other applications from the waiting list on a first come, first served basis.

Applications dealing with emergency health and safety problems are considered highest priority, and will be processed immediately.

Attached please find the Supplemental Agreement, in duplicate, outlining the terms and conditions for the 1997 Delivery year. Please execute the Agreement and return both copies to our office.

If you have any questions, or concerns, do not hesitate to contact our office.

Yours truly,

Gloria Morrison
Manager,
Portfolio Management and Social Housing

vf
Attch's.

SUPPLEMENTAL AGREEMENT

This agreement is a supplement to the standard Agency Agreement negotiated by this office for the Residential Rehabilitation Assistance Program.

This agreement is written understanding the CMHC Hamilton Office and the City of Hamilton existing agreement and the delivery requirements of the agent(s) .

TERMS OF AGREEMENT

A. RESIDENTIAL REHABILITATION ASSISTANCE PROGRAM

1. This agreement is effective **April 1, 1997** and will terminate on **March 31, 1998**.

2. The agent acknowledges and is in agreement that all RRAP approval packages to fully commit their budget allocations for 1997 must be in our office no later than **July 31, 1997.**

3. The agent acknowledges and is in agreement that all work items on the work description be completed, inspected and advanced requisition requests be received **in** our office no later than **January 31, 1998.**

4. The agent is in agreement with the amended Guidelines and Procedures as follows:

RRAP

a) The RRAP work must commence within **two (2)** months of the loan approval date.

b) The RRAP work must be completed within **six (6)** months of the loan approval date.

c) Applications dealing with emergency health and safety problems are considered highest priority, and will be processed immediately.

5. The agent and CMHC agree than upon successful completion of the service by the agent, fees will be paid in accordance with the levels established under the most current program policies.

6. The agent acknowledges that CMHC will monitor at least 10 percent of the agent's activity during the course of the delivery year to ensure compliance with program guidelines.

B RESIDENTIAL REHABILITATION ASSISTANCE PROGRAM (RRAP)

The Residential Rehabilitation Assistance Program has a Native content percentage as set out in the annual provincial planning process. For the purpose of this agreement it is planned that 11% of the budget will be delivered to Native clients. This targeted percentage is a planned figure only and should be recognized by the agent is important in meeting the overall planning objectives of the program. Therefore, the agent will give native applicants priority only until the target is met and will process other applications from the waiting list on a first come, first served basis. Applications dealing with emergency health and safety problems are considered highest priority, and will be processed immedately.

Canada Mortgage and Housing Corporation has agreed to co-operative in the Revenue Canada initiative to deter the underground economy. For the purpose of this agreement, the agent will be responsible for providing the survey form for the "Contract Payment Reporting System" to contractors involved in RRAP activity. The agent will also obtain an invoice with appropriate documentation from contractors and forward it to the CMHC office when requesting paymen of RRAP funds.

Details of the Capital Budget Allocations are indicated in the attached letter.

Per:_____ Date

Per:_____ Date:

Per:_____ Date:

Assisted Housing Department
Hamilton Branch

(c)

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 2 1997

DATE: 1997 August 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P.Eng
Building Commissioner

SUBJECT: Barton Street Revitalization
Jazzing Up Barton Fest (97.2.14, 97.2.4.2.1.A)

RECOMMENDATION:

a) That the budget as outlined in Schedule A be approved for a Festival (Jazzing Up Barton Fest) to be held 1997 September 20; and,

b) That the City Treasurer be authorized and directed to forward $8,149($9,779 - 20% holdback) for the Festival (Jazzing Up Barton Fest) to the Barton Street B.I.A.. The outstanding balance of $1,630 to be forwarded upon submission of a statement of account.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funding of $400,000 has been provided by the Province for the revitalization program. The Province of Ontario has provided a total of $1,000,000 directly to the City of Hamilton over the past three (3) years. Full funding for the street festival has been budgeted and provided from provincial funding.

BACKGROUND:

On 1995 March 28, City Council approved a Barton Street Redevelopment Program for renovation loans and grants, mural projects, street festivals and street enhancement.

As part of the revitalization program, the B.I.A. proposed that street festivals would be held on Barton Street. This proposal was approved by Council and a yearly budget of $40,000 was provided for street festivals.

.../2

The resolution approved by Council states as follows:

> The City will provide up to $40,000 yearly from available provincial funds to the Barton Street B.I.A. if it should decide to hold a street festival.
>
> Co-ordination of the festival will be solely the responsibility of the B.I.A. An appropriate portion of the funds will be made available in advance, final reimbursement of the B.I.A. will be made once a statement of account for the festival is presented.

The B.I.A. has submitted a budget of $9,779 (see attached Schedule A) for the Festival (Jazzing Up Barton Fest) held 1997 September 20. A holdback of $1,630 (20%) will be made until a statement of account is submitted to the City Treasurer.

DC/dc
Encl.

Schedule A

Jazzing Up Barton Fest

Calvin the Magician	$ 175.00
Absolutely Clowns	450.00
Pony Rides	400.00
Vasco Da Gamma Folk Dancers	100.00
Jude Johnson	350.00
Reggies Sound	600.00
T-Shirts Breakaway	700.00
Bounce with Us	120.00
Advertising Y-95	2,500.00
Advertising Admiral	150.00
Posters	600.00
Portable Toilets	300.00
Health Dept Permits	90.00
Classic Touch Children Stories	90.00
Parking Authority	100.00
Street Closure	399.00
Band #1 Dubay's	300.00
Band #2 Ronnie and the Rockets	350.00
Busker Larry McDonald	175.00
Police Officer	200.00
Contingency	$ 1,630.00
Total Festival Cost	$ 9,779.00

Cd7

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 2 1997

DATE: 1997 August 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P.Eng
Building Commissioner

SUBJECT: Barton Street Revitalization
Barton Brush Over Project (97.2.14, 97.2.4.2.1.A)

RECOMMENDATION:

a) That the budget as outlined in Schedule A be approved for a Festival (Barton Brush Over Project) to be held 1997 July 28-31; and,

b) That the City Treasurer be authorized and directed to forward $180 ($215 - 20% holdback) for the Festival (Barton Brush Over Project) to the Barton Street B.I.A.. The outstanding balance of $35 to be forwarded upon submission of a statement of account.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funding of $400,000 has been provided by the Province for the revitalization program. The Province of Ontario has provided a total of $1,000,000 directly to the City of Hamilton over the past three (3) years. Full funding for the street festival has been budgeted and provided from provincial funding.

BACKGROUND:

On 1995 March 28, City Council approved a Barton Street Redevelopment Program for renovation loans and grants, mural projects, street festivals and street enhancement.

As part of the revitalization program, the B.I.A. proposed that street festivals would be held on Barton Street. This proposal was approved by Council and a yearly budget of $40,000 was provided for street festivals.

.../2

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> The City will provide up to $40,000 yearly from available provincial funds to the Barton Street B.I.A. if it should decide to hold a street festival.
>
> Co-ordination of the festival will be solely the responsibility of the B.I.A. An appropriate portion of the funds will be made available in advance, final reimbursement of the B.I.A. will be made once a statement of account for the festival is presented.

The B.I.A. has submitted a budget of $215 (see attached Schedule A) for the Festival (Barton Brush Over Project) to be held 1997 July 28-31. A holdback of $35 (20%) will be made until a statement of account is submitted to the City Treasurer.

DC/dc
Encl.

Schedule A

Barton Brush Over Project

Supplies	$ 83.00
Lunch Food	$ 80.00
Paint the Town Celebration	$ 37.00
Thank you Certificates	$ 15.00
Total	$ 215.00

CITY OF HAMILTON

(e)

- RECOMMENDATION -

AUG 1 2 1997

DATE: 1997 August 1

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1471 Upper Sherman Avenue - Tag Number 11199
(97.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1471 Upper Sherman Avenue, in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: R-4 (Map E38D)

PRESENT USE: Single Family Dwelling

PROPOSED USE: New Subdivision of Single Family Dwellings

BRIEF DESCRIPTION: The owner wishes to demolish the existing single family dwelling which is a two (2) storey brick farm house that is in poor condition. The proposed use for this property is a new subdivision of single family dwellings which are permitted in this zoning district. This property is located in Ward 7, in the Eleanor neighbourhood (please see attached map for location).

No LACAC interest. Lot size 118.66' x 630.00'.

The owner of the property as per the demolition permit is:

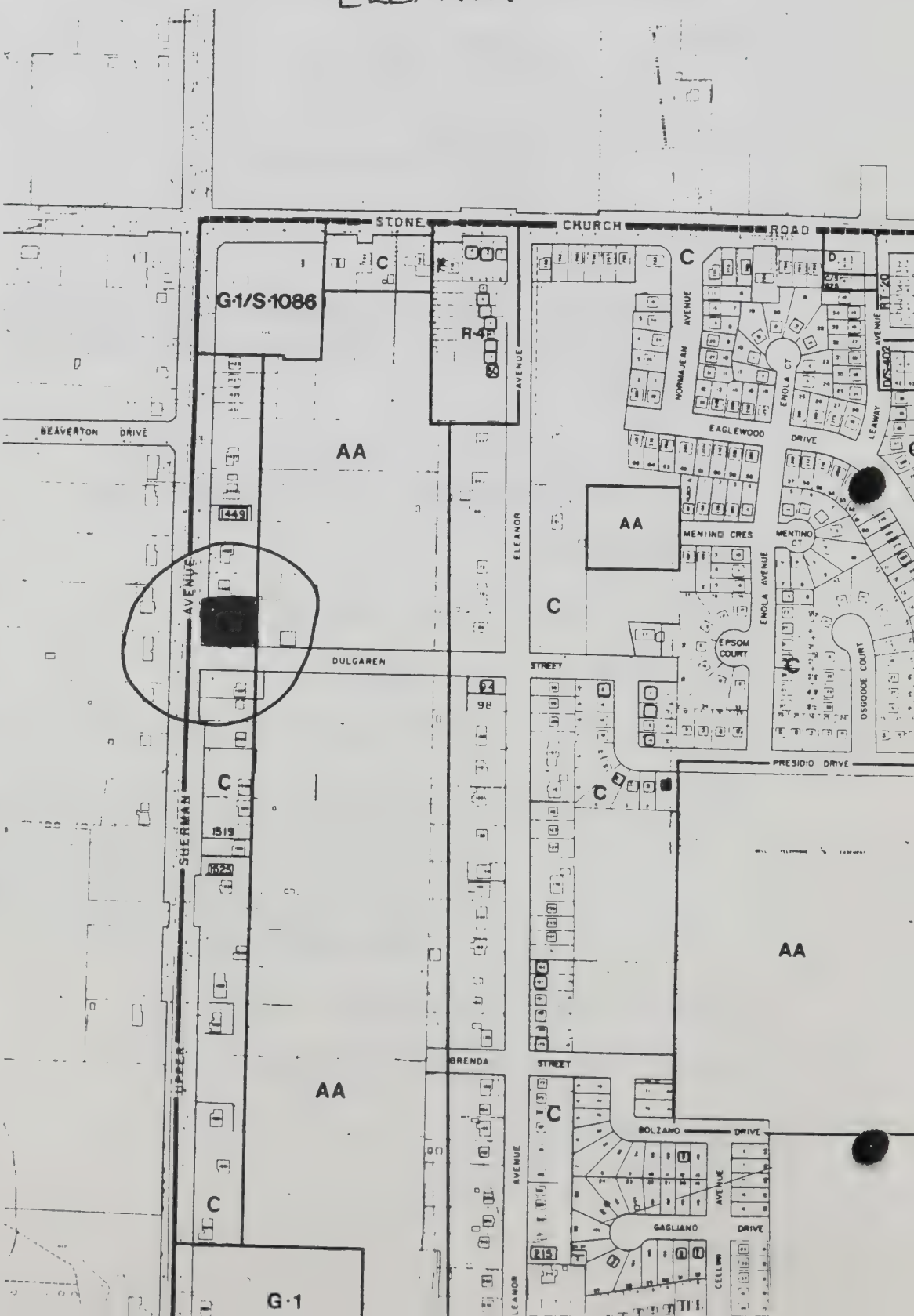
Cormar Construction
924 Arvin Avenue
Stoney Creek ON L8E 5P2

FP.ND/bel

SUBJECT PROPERTY ▬

1471 UPPER SHERMAN

ELEANOR NEIGHBOURHOOD.



CF)

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 2 1997

DATE: 1997 August 1

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
35 Rymal Road West - Tag Number 10994
(97.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 35 Rymal Road West, in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: HH/S-1128

PRESENT USE: Single Family Dwelling

PROPOSED USE: Proposed Car Sales Office

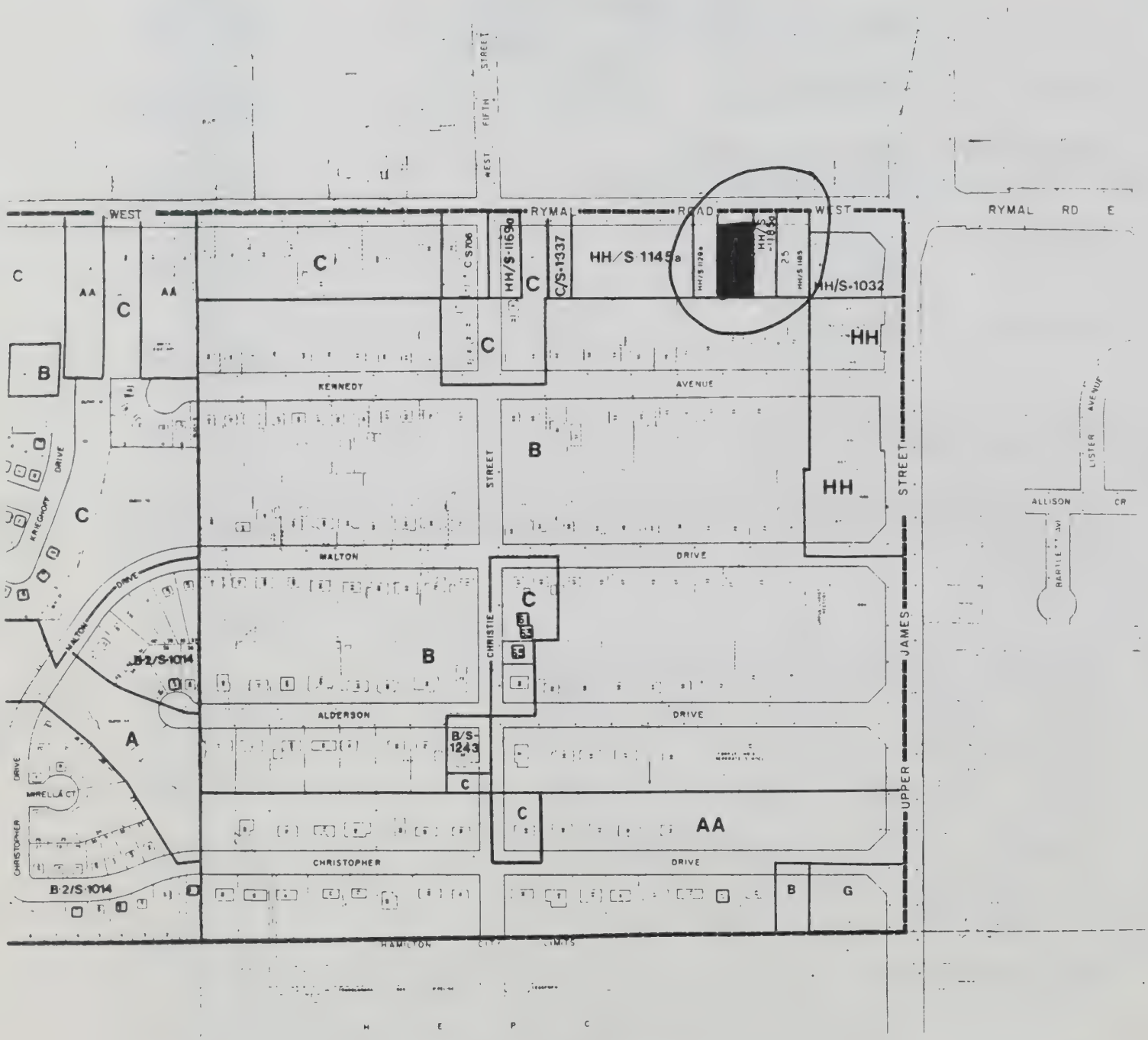
BRIEF DESCRIPTION: The owner of the dwelling wishes to demolish the existing vacant one (1) storey brick veneer building and proposes to erect a commercial building to be used as a car sales office. The approved Development Agreement (DA-96-03) does include a new car sales office building and, although the plans have been approved, the Development Agreement has not been registered on title as of today's date. This property is located in Ward 8 and in the Kennedy East neighbourhood (please see attached map for location).

No LACAC interest. Lot size 100.00' x 200.00'.

The owner and applicant of the property as per the demolition permit is:

Mr. Felice Bozzo, 244 Wilarness, Ancaster ON L9G 4S3

ND/bel



SUBJECT PROPERTY ■

35 RYMAL ROAD WEST

KENNEDY EAST NEIGHBOURHOOD

C 9)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 August 1 AUG 1 2 1997

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
488 King William Street - Tag Number 11262
(97.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 488 King William Street, in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: D (H/S-1374 Not Final) (Map E13)

PRESENT USE: One Residential Dwelling & General Offices

PROPOSED USE: Retail Store

BRIEF DESCRIPTION: The owner wishes to demolish the existing two (2) storey brick building. The owner proposes to erect a building containing commercial retail stores although the Building Department, as of today's date, has not received an application to erect a new building. This property is not located in the Demolition Control Area in the downtown core. The new proposed commercial zone, H/S-1374 (By-Law 97-150) is not final and binding; therefore, the existing residential zone "D" requirements are still applicable. This property is located in Ward 3 and is in the Lansdale neighbourhood (please see attached map for location).

No LACAC interest. Lot size 23.00' x 105.210'.

The owner and applicant of the property as per the demolition permit is:

744457 Ontario Limited, 15 Wentworth Street North, Hamilton ON L8L 5T8

FP ND/bel



SUBJECT PROPERTY

488 KING WILLIAM ST.

106	69	70
10	95	48
31	125	124

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department.

CITY OF HAMILTON

LANDSDALE

ZONING

Neighbourhood Boundary
Zoning Boundary

0 100m
SCALE 80m
NORTH

Prepared for The City of Hamilton
by the Planning and Development Department

PLANNING 6608

PAGE NO 95

(4)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1997 August 15 AUG 15 1997

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Committee of Adjustment Fee - Bethany Gospel Chapel
155 Gage Avenue North (97.2.4.2.1.A, 97.2.4.3.2)

RECOMMENDATION:

That the Committee of Adjustment application fee of $250 for the church at 155 Gage Avenue North be refunded to the owners, Bethany Gospel Chapel.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Revenues of $250 to account for staff time, circularization costs, and meeting costs will not be realized.

BACKGROUND:

In early 1997 the church at 155 Gage Avenue North approached the Building Department to investigate the possibility of adding an elevator to the existing building to improve accessibility. Subsequent to discussions, a building permit application was made on 1997 June 5.

Examination of construction plans indicated that the proposed addition did not comply with front yard setback requirements. The church was advised to either reduce the addition or apply to the Committee of Adjustment for a minor variance. Due to the small nature of the site and the decision of the church to provide wheelchair access to the building, it was decided by the church to apply for a minor variance.

The variance fee of $250 was not budgeted by the church and consequently members of the church have solicited the ward aldermen and staff for relief from payment of the application fee. The church subsequently made an application to the Committee of Adjustment and have paid the $250 fee in order to begin the minor variance process.

As the church is a charitable, non-profit organization only attempting to serve the needs of the community, it was felt that the refund request had merit.

c.c. Mr. P. Fisher, Secretary-Treasurer, Committee of Adjustment

Da)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 August 6 AUG 1 3 1997
(CDM-CONV-96-002)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

SUBJECT:

Proposed Draft Plan of Condominium by 977340 Ontario Ltd. -
Nos. 1088-1120 Garth Street and 101-117 Bonaventure Drive, Gilbert Neighbourhood

RECOMMENDATIONS:

a) That approval be granted to application CDM-CONV-96-002 submitted by 977340 Ontario Ltd., owner, for a draft plan of condominium for property located at Nos. 1088-1120 Garth Street and 101-117 Bonaventure Drive to provide for a condominium comprised of 25, two-storey townhouse condominium units, subject to the following conditions:

i) That this approval applies to the attached draft plan dated August 1, 1997 prepared by Ashenhurst Nouwens Ltd., Professional Engineers and O.L.S.;

ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor;

iii) That prior to approval of the final plan,

aa) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law 6593 and the Official Plan, and

bb) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,

cc) that the applicant/owner apply for and receive approval of an amendment to the site plan or an exemption to the satisfaction of the Director of the Planning and Development Department.

dd) the applicant/owner agrees to pay the Corporation of the City of Hamilton the cost of removing and replacing one 9 inch diameter Norway maple tree and one 11 inch diameter Red Oak tree presently located on municipal property, fronting on Bonaventure Drive. The cost for removal and replacement of both trees is $3,100.

iv) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-96-001);

v) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,

vi) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required.

b) That the Mayor and the City Clerk be authorized to grant draft approval by signing the draft plan.

c) That the Mayor and City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner -

977340 Ontario Ltd. (c/o Philip Springer), Ancaster, Ontario

Surveyor -

Ashenhurst Nouwens Limited, Hamilton, Ontario

Location -

The lands known municipally as Nos. 1088-1120 Garth Street and 101-117 Bonaventure Drive, are located south of Limeridge Road West and west of Garth Street, in the Gilbert Neighbourhood (see attached key map).

Proposal -

The owner proposes to convert an existing five rental townhouse buildings containing 25 units to condominium status (see APPENDIX "B").

Existing Development Controls -

Hamilton-Wentworth Official Plan - The lands are identified as "Urban" on Map 1 - the Regional Development Pattern. The proposal complies.

City of Hamilton Official Plan - According to Schedule "A", the lands are designated "Residential". The proposed use is consistent with the Official Plan.

Neighbourhood Plan - The lands are designated "Attached Housing" according to the Gilbert Neighbourhood Plan. The proposal complies.

City of Hamilton Zoning By-law - The lands are zoned "DE S-217" (Low Density Multiple Dwellings) District. The proposal does not comply with the "DE" District provisions, in respect to parking, landscaping, etc. As such, an application through the Committee of Adjustment is required before final plan approval.

Site Plan Control - The lands are under Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223. Since there have been changes to the original site plan and application to amend the site plan is required.

Rental Housing Protection Act - Application CD-96-001 was approved by Council on October 30, 1996 subject to several conditions. Recommendation of draft approval status of the Plan of Condominium is conditional upon the owner securing the Certificate of Approval.

Comments from Circulation -

- The following agencies had no comments or objection toward the proposal:

  - Ontario Hydro
  - Hamilton Hydro
  - Union Gas
  - Bell Canada
  - Regional Finance Department

- The Regional Environment Department has submitted the following comments:

  "According plans submitted by the applicant, the existing chain link fence encroaches onto the Garth street road allowance,as widened. This fence encroachment is contrary to the Region of Hamilton-Wentworth Roads Use By-law and remains at the sole risk of the applicant/owner."

- The Building Department has submitted the following comments:

  "1. The following comments are based on the survey submitted on June 25, 1997 and letter from Ashenhurst Nouwens Limited submitted on July 15, 1997. The following comments are in addition to the comments from the Building Department dated June 16, 1997.

  2. Please be advised Schedule "B" of By-law 71-242 has been altered with respect to the proposed condominium conversion.

  3. By-law 71-242 required a minimum of 125% of parking spaces of the number of Class "A" dwelling units. A total of thirty-two (32) spaces, including eight (8) visitor parking spaces, required to be provided. The total of parking spaces which are provided is twenty-seven (27), which includes the four (4) existing garages.

  4. The minimum size of a parking space is 2.7m x 6.0m. The spaces provided do not conform as shown. There are no dimensions with respect to the required manoeuvring (minimum 6.0m). Therefore cannot determine compliance. No dimensions have been stated for the existing four (4) garages. Cannot determine if the minimum 2.7m x 6.0m has been provided.

  5. The asphalt walkways and driveways were not shown on Schedule "B" of By-law 71-242.

  6. Schedule "B" of By-law 71-242 states a 4' - 6' high closed board fence to be provided along the south property line. The survey shows a chain link fence (no height stated), as well as 4' - 0" high fence (not specified if chain link or closed board on Schedule "B" is required) along the northerly property line. Survey states a chain link fence (no height stated).

7. Schedule "B" of By-law 71-242 required a minimum landscaped area of 37,044 square feet. The letter submitted from Ashenhurst Nouwens Ltd. states a landscaped area of 22,037.7 square feet is provided.

8. Building coverage maximum permitted as per Schedule "B" is 14,586 square feet. The letter submitted from Ashenhurst Nouwens Ltd. states a maximum of 13,616.8 square feet.

- The Public Works and Traffic Department - Forestry Division has advised that:

"A site inspection has revealed that recent driveway construction has occurred within the dripline of two trees located on the City road allowance. It would appear that, major root damage has occurred during this construction, which is in violation of By-law 92-155 respecting City owned trees.

As this construction has had a negative impact on the health and longevity of the two City owned trees the developer will be responsible for the related removal and replacement costs.

1)	Located in front of Unit #133 is a 9" diameter Norway Maple tree.	
	Costs to remove and grind stump	$ 500.00
	Costs for replacement trees	$ 800.00
2)	Located in front of Unit #109 is a 11' diameter Red Oak tree.	
	Costs to remove and grind stump	$ 600.00
	Cost for replacement trees	$1,200.00
	Total Forestry related costs including taxes	$3,100.00

Also please be advised that the 25' Austrian Pine tree located in front of unit #16 is located on private property which the City of Hamilton has no jurisdiction over.

Please have the developer forward a cheque in the amount of $3,100.00 made payable to the City Treasurer, Department of Public Works and Traffic, 71 Main Street West, Hamilton Ontario, L8P 4Y5,
Attention: Mr. Doug Anderson so a work order can be set up to do this work in a timely fashion."

- The Traffic Division has advised that:

The 6.0m dimension shown as the length of the parking spaces in front of units 16-17 and 20-21 should be adjusted to indicate that the measurement is from the property line and not from the curb line as currently indicated.

The revised plan is satisfactory subject to the applicant receiving approval for the removal of the City tree in front of units 18-19 to provide the required 6.0m driveway. The applicant should be advised to contact Mr. Jim Pook, City Horticulturist, Forestry Division, Public Works and Traffic Department to initiate the application to remove the City tree.

Following the approval for the removal of the tree and the construction of the driveway, the applicant must apply to the Traffic Division, Department of Public Works and Traffic for a Driveway Approach Approval, the detailed design of which will be prepared by this Department. A copy of the approved plan must be submitted. The plan should accurately indicate the location of the existing curbs and all street fixtures which may affect driveway location i.e. poles, fire hydrants, trees, etc.

COMMENTS:

The applicant wishes to convert 25 existing rental townhouse units to 25 condominium townhouse units on the subject property. To complete this process, the applicant must first acquire approval from the City to remove the units from the rental market pursuant to the Rental Housing Protection Act, and then apply for the City's approval under the Condominium Act for the legal division of the property.

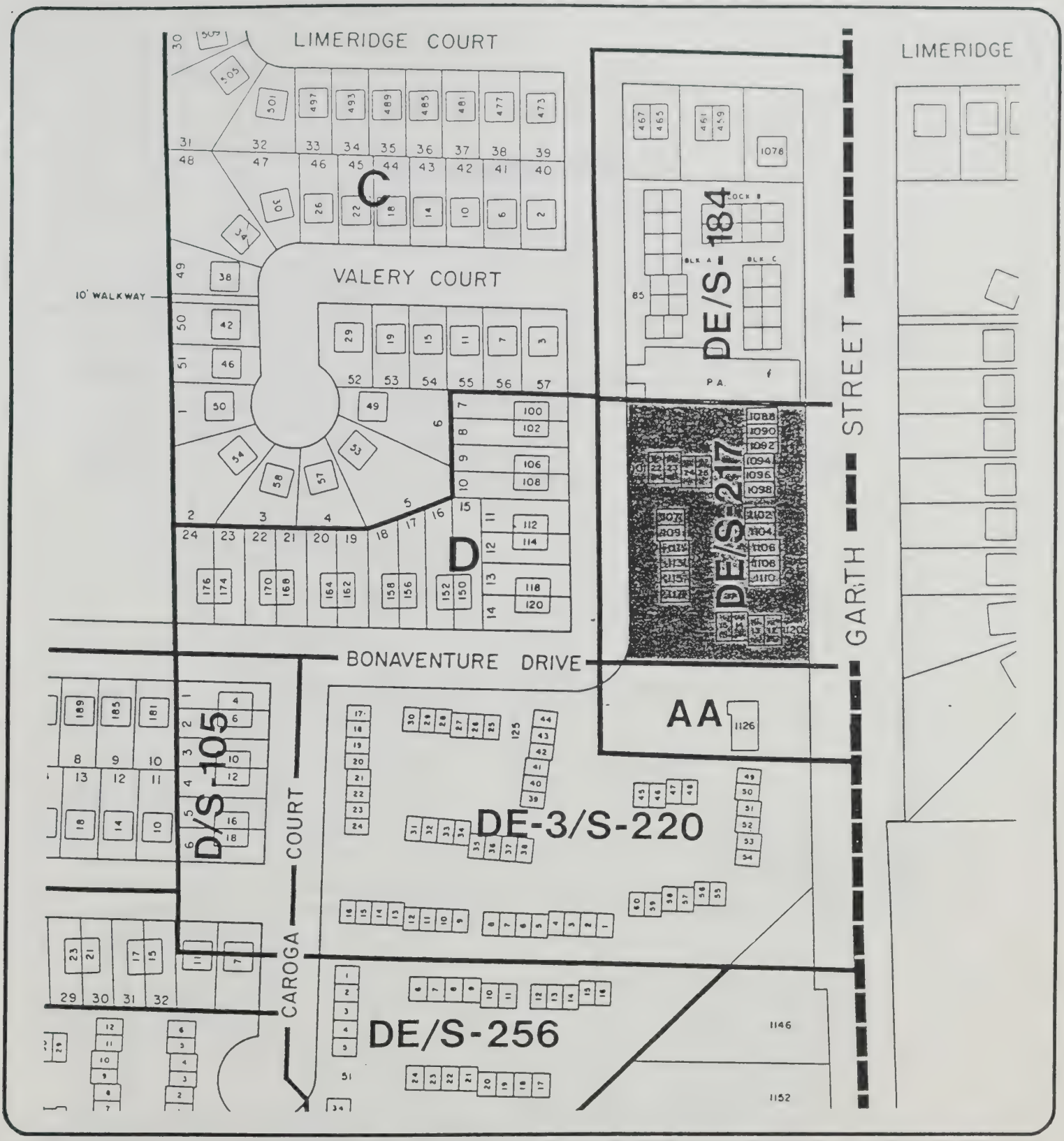
On October 30, 1996, Council approved application CD-96-001 under the Rental Housing Protection Act to remove the units from the rental market subject to certain conditions being incorporated in a registered agreement on title. Upon registration of this agreement, the City will issue a "Certificate of Approval" to indicate the completion of this part of the conversion process. To date, the agreement has not been registered and therefore the Certificate of Approval has not been issued. As a condition of draft approval of this condominium application, the owner will have had to complete the Rental Housing Protection Act conditions and received the Rental Housing Protection Act Certificate of Approval.

The comments and conditions noted by the Planning and Development, Building and the Public Works and Traffic Departments have been incorporated as conditions of draft approval.

CONCLUSION:

Based on the above the draft plan of condominium be approved, subject to the conditions outlined.

JHE
c:\rhpa\cdm96001.rpt



City of Hamilton

Key Map

CONDOMINIUM APPLICATION

1088-1200 Garth Street
and
101-117 Bonaventure Drive

Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	CDM-CONV-96-002
	Date	Drawn By
	June 1996	W. B

APPENDIX "B"


REGISTERED PLAN M-30
BLOCK 'A'
BONAVENTURE DRIVE
(BY REGISTERED PLAN M-57)
GARTH STREET
ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 18 AND 19
REGIONAL ROAD No 157
LOT 14
LOT 13
LOT 12
BLOCK
STREET WIDENING
TWP LOT 19, CONCESSION I

D6)

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 3 1997

DATE: 1997 July 22
A-97-114

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J. Pavelka, P.Eng.
Chief Administrative Officer

P. Noé Johnson
City Solicitor

SUBJECT: Authorization for Staff Attendance at an Ontario Municipal Board Hearing

RECOMMENDATION:

That the appropriate staff (eg. Law and Planning and Development Departments) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-97-114, respecting property located at No. 665 Upper James Street (Wal Mart).

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

It is estimated that one working day of staff time each will be required, for one representative from the Planning and Development Department (approximately $250) and one from the Law Department (approximately $1,000), for preparation and attendance at the Ontario Municipal Board hearing. These costs are covered by the respective Departmental Work Programs/Budgets, therefore, no additional funds would be required.

BACKGROUND:

Committee of Adjustment application A-97-114, respecting lands located at No. 665 Upper James Street (Wal Mart), has recently been appealed to the Ontario Municipal Board. At its meeting of May 14, 1997, the Committee accepted Planning and Development staff's recommendation and denied the application. The proposal is to permit a permanent fenced outside storage area, notwithstanding that the Zoning By-law does not permit outside storage, and to allow an open air temporary area for garden supplies, whereas the Zoning By-law only permits a temporary garden centre within a tent. A date for the Board hearing has not yet been set.

CONCLUSION:

Consistent with current practise in these matters, it is appropriate to seek the Planning and Development Committee's authorization for the appropriate staff to attend the above-noted hearing.

CL-M

D c)

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 3 1997

DATE: 1997 August 8
OP-GEN

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. G. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Draft Spencer Creek Watershed Management Plan
- City of Hamilton Comments

RECOMMENDATION:

That City Council request the City Clerk to advise the Hamilton Region Conservation Authority that it supports the draft Spencer Creek Watershed Management Plan.

V. Abraham J. G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Hamilton Region Conservation Authority has requested the City to comment on the draft Spencer Creek Watershed Management Plan. Comments are also being sought from interested individuals, agencies/organizations, and municipalities within the watershed.

REPORT:

The Spencer Creek Watershed Management Plan has been prepared by the Hamilton Region Conservation Authority, funded through Environment Canada, Hamilton-Wentworth Region, and the Ministry of Natural Resources. It is the first of three such watershed management plans being prepared within the Hamilton Harbour watershed as part of the Hamilton Harbour Remedial Action Plan implementation strategy. The other two studies are being undertaken for the Grindstone Creek and Red Hill Creek watersheds.

The Spencer Creek Watershed encompasses the Township of Puslinch, the Towns of Flamborough, Dundas, Ancaster and the City of Hamilton. The Study was completed in cooperation with stakeholders from these municipalities, as well as the community and commercial interests within the watershed. Staff from the Planning and Development Department and the Public Works and Traffic Departments participated in various aspects of this study.

The Spencer Creek Watershed is divided into fifteen "subwatersheds". A detailed review and evaluation was undertaken to identify ecosystem stresses within each subwatershed, and identify opportunities for restoration.

The Plan contains 35 management recommendations (see APPENDIX "A") aimed at improving the health of the Spencer Creek Watershed, and restoring balance to the landscape. The implementation of the management recommendations includes all members of the community and range from simple activities like planting more trees, and water conservation to more complex issues of modifying Official Plans, changing the zoning and reviewing the feasibility of water control structures.

Implications on the City of Hamilton

Two of subwatersheds within the Spencer Creek Watershed are partially located within the City of Hamilton: Chedoke Creek; and, Tiffany Creek (see APPENDICES "B" and "C").

The **Chedoke Creek Subwatershed** is located in the west end of the City above and below the Niagara Escarpment. Portions of this subwatershed are within Environmentally Sensitive Areas Nos. 1 (Royal Botanical Gardens - Cootes Paradise), 2 (Hamilton Mountain - Radial Line), 3 (Niagara Escarpment) and 9 (Dundas Valley). In addition, all valley and stream corridors and public open space in this area appear to be designated "Open Space" on Schedule 'A' of the Official Plan and within Hazard Lands on Schedule 'C' of the Official Plan. The only exception is a small parcel fronting onto Main Street West and adjoining the Dundas Valley which is designated Residential.

The stresses identified in this subwatershed include:

- urban run-off;
- impervious surface;
- golf course management;
- residential development;
- transportation links along the Escarpment;
- rail yard property;
- channelization; and,
- residential encroachment into natural areas.

Opportunities identified include:

- promoting water conservation;
- increasing riparian vegetation;
- promoting stewardship on public lands;
- encouraging development that respect natural system;
- promoting stewardship;
- detailing water quality study; and,
- channel naturalization.

A small portion of the **Tiffany Creek Subwatershed** is located in Falkirk West Neighbourhood, adjacent to the City limits, and also within Environmentally Sensitive Area No. 5 (Ancaster Creek Headwater). There are no valley and stream corridors, and no public open space identified in the watershed plan, however, a portion of the watercourse appears to cross the area. This area is designated "Open Space" and Environmentally Sensitive in the Official Plan through OPA 136. The main stress is residential development, and the opportunities include maintaining existing urban areas.

Summary

Being located as the Spencer Creek Watershed Management Plan identifies two of the fifteen subwatersheds partially within the City. Thirty five (35) management recommendations are included (see APPENDIX "A") ranging from planting more trees, and water conservation to more complex issues of modifying Official Plan and zoning by-laws. For the most part, the City's Official Plan recognizes these special areas either by appropriate land use designation such as Open Space, or within Environmentally Sensitive Areas or Hazard Lands. In addition, the review of the Official Plan "Cityview" is currently underway. Many of the principles identified in this watershed plan will be considered as part of this review and incorporated into the new Official Plan.

CONCLUSION:

Based on the foregoing, the draft Spencer Creek Watershed Management Plan can be supported and the Hamilton Region Conservation Authority should be so advised.

CLF/
spencer.crk

	MANAGEMENT RECOMMENDATION	AGENCY RESPONSIBLE												TARGETS	TIMING
		Watershed Residents	Private Landowners	Local Municipalities	Region / County	MNR	MOEE	Federal Government	Industry	Conservation Groups	Trail User Groups	BARC	HRCA		
WATER															
1.	Ensure that all lands located within flood or erosion hazard zones are identified and zoned accordingly.			✦									✦	Hazard land zoning in all local and Regional Official Plans.	5 Years
2.	Enforce erosion and sediment control measures in the field.			✦					✦				✦	Improve erosion and sediment control plan compliance by 80%.	2 Years
3.	Develop topsoil preservation bylaws and tree cutting bylaws to protect vegetation and reduce soil erosion.			✦	✦								✧	Topsoil preservation bylaws and tree cutting bylaws in all local municipalities.	2 Years
4.	Encourage restoration of existing channelized watercourses using bioengineering techniques and natural channel design principles.			✦	✧					✧			✦	Habitat restoration projects along 40% of channelized watercourses.	5 Years
5.	Undertake bio-engineering projects to mitigate erosion sites impacting downstream aquatic habitat.		✧	✧						✧			✦	Reduce severe erosion sites by 30% on public lands, and by 20% on private lands.	3 Years
6.	Prevent future piping and channelization of watercourses.			✦	✦	✦			✧				✦	Maintain existing length of watercourses open to "daylight".	Ongoing
7.	Identify, protect and enhance existing stream corridors.	✧	✧	✦	✦					✧			✦	Stream corridors identified in all local and Regional official plans.	5 years
8.	Work to identify, protect and enhance existing wetland resources.	✧	✦	✦	✦	✦				✧			✦	Expand the area of wetlands in the watershed by 5%.	5 Years

✦ Lead Agency
✧ Assisting Agency

	MANAGEMENT RECOMMENDATION	AGENCY RESPONSIBLE												TARGETS	TIMING
		Watershed Residents	Private Landowners	Local Municipalities	Region / County	MNR	MOEE	Federal Government	Industry	Conservation Groups	Trail User Groups	BARC	HRCA		
9.	Remove barriers to movement along stream corridors.	◇	✦	✦	✦	◇				◇			✦	Identify all barriers. Remove 10% of known barriers on public lands and 5% of known barriers on private lands.	2 Years
10.	Map fisheries information throughout the entire watershed to identify areas at greatest risk and areas for habitat enhancement.					✦				◇			✦	Complete mapping of fisheries resources. Produce a report detailing opportunities for habitat enhancement project in the watershed.	2 Years 2 Years
11.	Review water control structures on public lands and retrofit, or remove as determined feasible.					◇		◇					✦	Provide report on water control structure assessment, and management recommendations.	2 Years
12.	Encourage watershed residents to examine water control structures on private lands, and make changes where necessary to improve aquatic habitat.		✦			◇				◇			✦	Develop technical assistance program for private landowners to assess water control structures.	5 Years
13.	Develop a watershed-wide, water quality monitoring program in cooperation with all parties involved in water quality.				✦	◇	✦	✦	✦	◇		✦	✦	Water quality monitoring program in place.	2 Years
14.	Monitor erosion station and identify priority sites for bio-engineering demonstration project.		◇	◇						◇			✦	Five demonstration projects in the watershed.	2 Years
15.	Work toward a groundwater monitoring program for the Hamilton Harbour Watershed.				✦		✦						✦	Research and feasibility report.	2 Years
16.	Investigate water taking permit process with the MOEE.					◇	✦						✦	Report on cumulative output and baseflow monitoring.	1 Year

✦ Lead Agency
◇ Assisting Agency

	MANAGEMENT RECOMMENDATION	AGENCY RESPONSIBLE												TARGETS	TIMING
		Watershed Residents	Private Landowners	Local Municipalities	Region / County	MNR	MOEE	Federal Government	Industry	Conservation Groups	Trail User Groups	BARC	HRCA		
17.	Restore native habitat along creek corridors.	✧	✦	✦	✦	✧				✦		✧	✦	Increase riparian corridor by 20% on public lands and by 10% on private lands.	5 Years
NATURE															
18.	Request local municipalities to identify core natural areas and links in planning documents and zone accordingly.			✦	✦	✧						✧	✧	Appropriate zoning in place to protect core natural areas and links.	5 Years
19.	Improve interior forest cover, where appropriate, by infilling areas within or adjacent to existing forested areas.		✦			✧						✧	✦	Increase forest cover, as desirable, in each subwatershed at every opportunity. Aim for a minimum of 10% forest cover throughout the watershed.	10 Years
20.	Protect and enhance natural corridors through parks and publicly owned open space.		✧	✦		✦					✧	✧	✦	Work with park management agencies to naturalize 15% of existing manicured corridors on public lands.	3 Years
21.	Coordinate resource management agencies and community groups to help establish priorities for land acquisition.			✦	✦	✧				✧		✦	✦	Develop a short range acquisition program for threatened and significant habitats within 1 year, and a long range acquisition program within 2 years. Secure funding for the acquisition program through partnerships with local foundations, corporations and community groups.	Short range 1 Year Long range 2 Years

✦ Lead Agency

	MANAGEMENT RECOMMENDATION	AGENCY RESPONSIBLE												TARGETS	TIMING
		Watershed Residents	Private Landowners	Local Municipalities	Region / County	MNR	MOEE	Federal Government	Industry	Conservation Groups	Trail User Groups	BARC	HRCA		
22.	Contribute toward research and updating the Natural Heritage Inventory.				✦	✦				✦			✦	Secure funding for long range maintenance of the Natural Areas Inventory.	5 Years
23.	Ensure that native landscape design principles and plants are used in any development near an Environmentally Significant Area or greenway corridor.			✦									✦	Develop an education package for developers and private landowners.	2 Years
24.	Continue support of existing stewardship program, and enhance public/awareness initiatives.	✦	✦						◇			✦	✦	Secure long term funding for current stewardship program.	2 Years
COMMUNITY															
25.	Request that municipalities endorse subwatershed planning as a required step in assessing cumulative impact for major development.	◇		✦	✦	◇				◇			✦	Watershed planning policies in all local official plans.	5 Years
26.	Ensure safe and efficient operation of infrastructure.	✦		✦	✦									Support the Region's IAMS.	
27.	Reduce demand for new or expanded infrastructure.	◇		✦	✦									Policies in local official plans supporting compact development and redevelopment.	5 Years
28.	Work with municipalities to ensure ecologically sensitive stormwater management plans are implemented for all new development.			✦	✦	◇			✦				◇	Ecologically sensitive stormwater management policies in local Official Plans.	5 Years

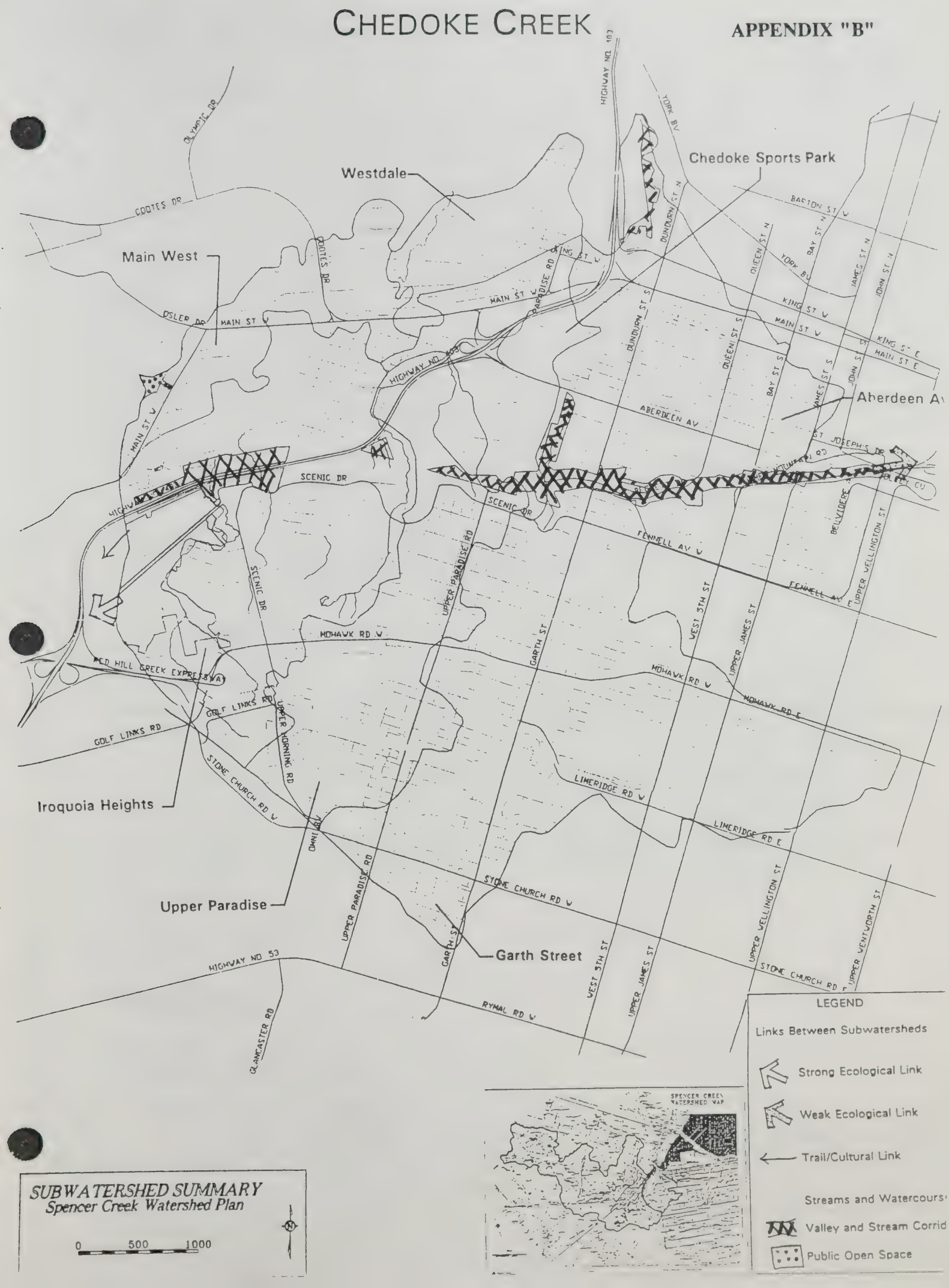
✦ Lead Agency
◇ Assisting Agency

	MANAGEMENT RECOMMENDATION	AGENCY RESPONSIBLE												TARGETS	TIMING
		Watershed Residents	Private Landowners	Local Municipalities	Region / County	MNR	MOEE	Federal Government	Industry	Conservation Groups	Trail User Groups	BARC	HRCA		
29.	Work with road and highway maintenance departments to implement snow dump guidelines.				✧		✦		✧			✧	✧	100% compliance.	3 Years
30.	Work with utility companies to naturalize utility corridors and encourage multi-use.		✧	✧					✦	✧			✧	Agreements in place with utility companies for natural corridor management on 20% corridors in the watershed.	5 Years
31.	Encourage municipalities and trail managers to coordinate trail plans that improve access between urban centres and provide links to parks and rural areas.	✧									✦			Committee in place to coordinate trail development.	1 Year
32.	Support planning for alternative modes of transportation.	✧		✦	✦								✧	Implementation of the Hamilton-Wentworth Bicycle Network. Policies in all local Official Plans recognizing alternative modes of transportation, including cycling and walking.	2 Years
33.	Conduct an accessibility audit on Conservation Authority properties and make changes, where feasible, to improve access.	✧								✧			✦	Accessibility audit.	1 Year
34.	Encourage municipalities to adopt policies to protect culturally significant structures and landscapes.	✧		✦									✧	Policies in Official Plans.	5 Years
35.	Develop a cultural interpretation plan for Conservation Authority properties.	✧		✧									✦	Cultural interpretation plan.	5 Years

✦ Lead Agency
✧ Assisting Agency

CHEDOKE CREEK

APPENDIX "B"



LEGEND

Links Between Subwatersheds

Strong Ecological Link

Weak Ecological Link

Trail/Cultural Link

Streams and Watercours

Valley and Stream Corrid

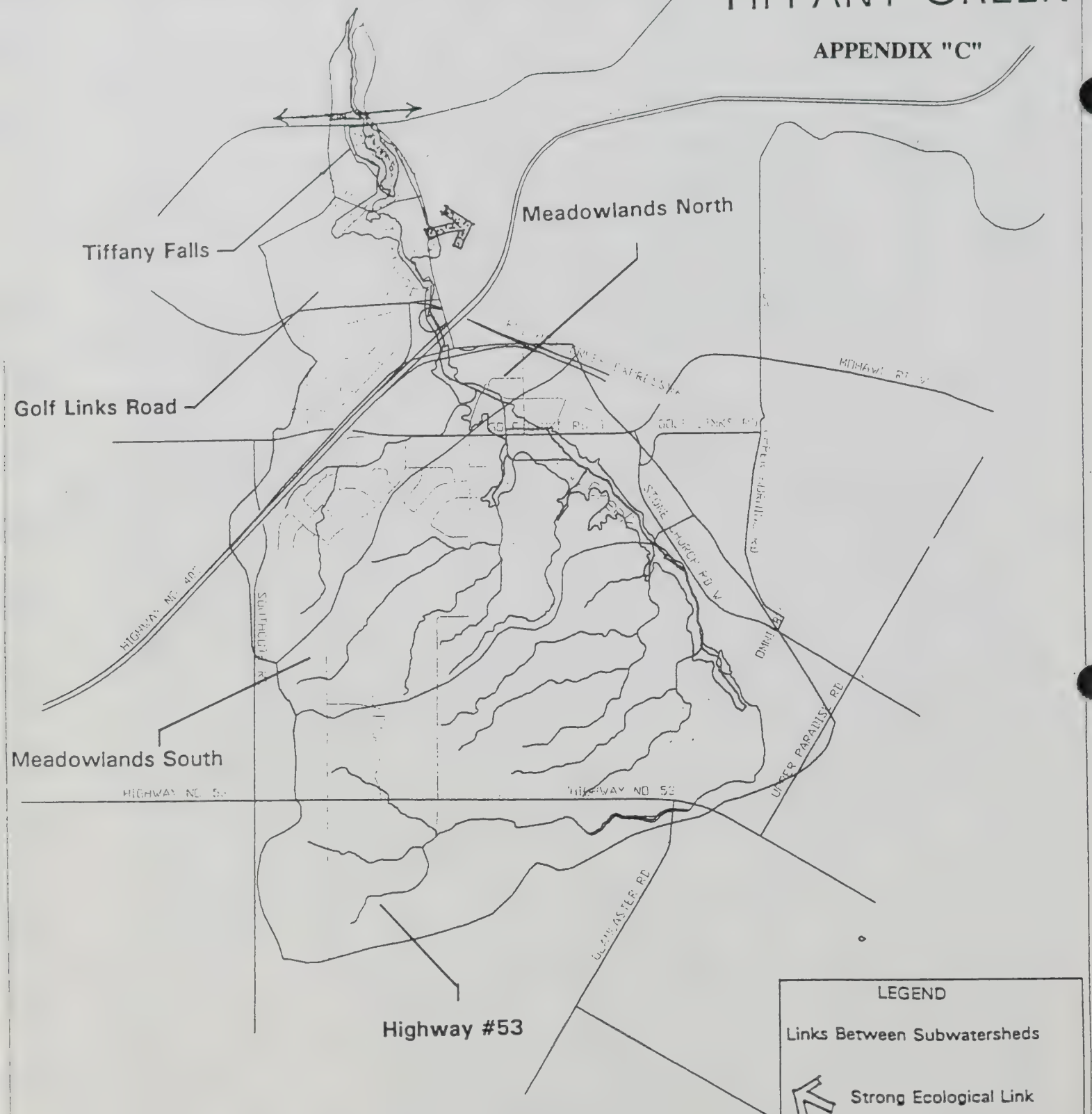
Public Open Space

SUBWATERSHED SUMMARY
Spencer Creek Watershed Plan

0 500 1000

TIFFANY CREEK

APPENDIX "C"



LEGEND

Links Between Subwatersheds

Strong Ecological Link

Weak Ecological Link

Trail/Cultural Link

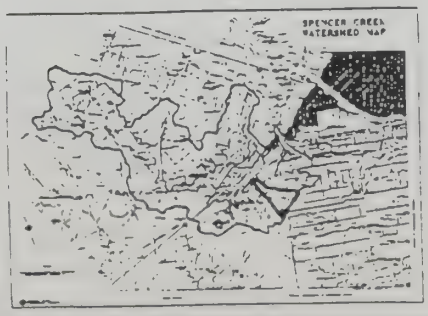
Streams and Watercourses

Valley and Stream Corridor

Public Open Space

SUBWATERSHED SUMMARY
Spencer Creek Watershed Plan

0 500 1000



Dd)

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 3 1997

DATE: 1997 July 15
DA-97-12
Yeoville Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P
Director, Planning and Development Department

SUBJECT: Site Plan Control Application DA-97-12 for a Third Party/Billboard Sign at 840 Upper James Street

RECOMMENDATION:

That approval be given to Site Plan Control Application DA-97-12 by Petro Canada, owner, of lands at 840 Upper James Street, as shown on the attached map marked as APPENDIX "A", for development of a third party/billboard, subject to the following:

i) modifications to plans in relation to notes, and dimensions, as marked in blue on the plans; and,

ii) submission of a Landscape Plan to the satisfaction of the Director, Planning and Development Department.

V. Abraham

BACKGROUND:

Plans have been submitted for a third party/billboard sign at 840 Upper James Street. The details of the development are as follows:

- Net Lot Area 1504.25 m^2 (16,192.24 square feet)
- Gross Floor Area N/A

- Sign Height 7.62 m (25 feet)
- No. Parking Spaces N/A
- No. Loading Spaces N/A
- Landscape Area N/A
- Building Materials Steel with concrete footings

COMMENTS RECEIVED:

- The Building Department advises (see APPENDIX "B" attached) that the proposed sign complies with the zoning by-law. It is noted that the by-law permits third party/billboard signs to a maximum height of 7.6 m (24.93 feet), however, given the metric conversion factor, Building Permits are issued for signs which are 25 feet.

- The Regional Environment Department advises (see APPENDIX "C" attached) that they have no comment as long as no modifications are intended to the existing drainage patterns. Also noted is a future 3.048 m widening of Upper James Street.

- The Traffic Division of the Department of Public Works and Traffic advises (see APPENDIX "D" attached) that they have no comment.

COMMENTS:

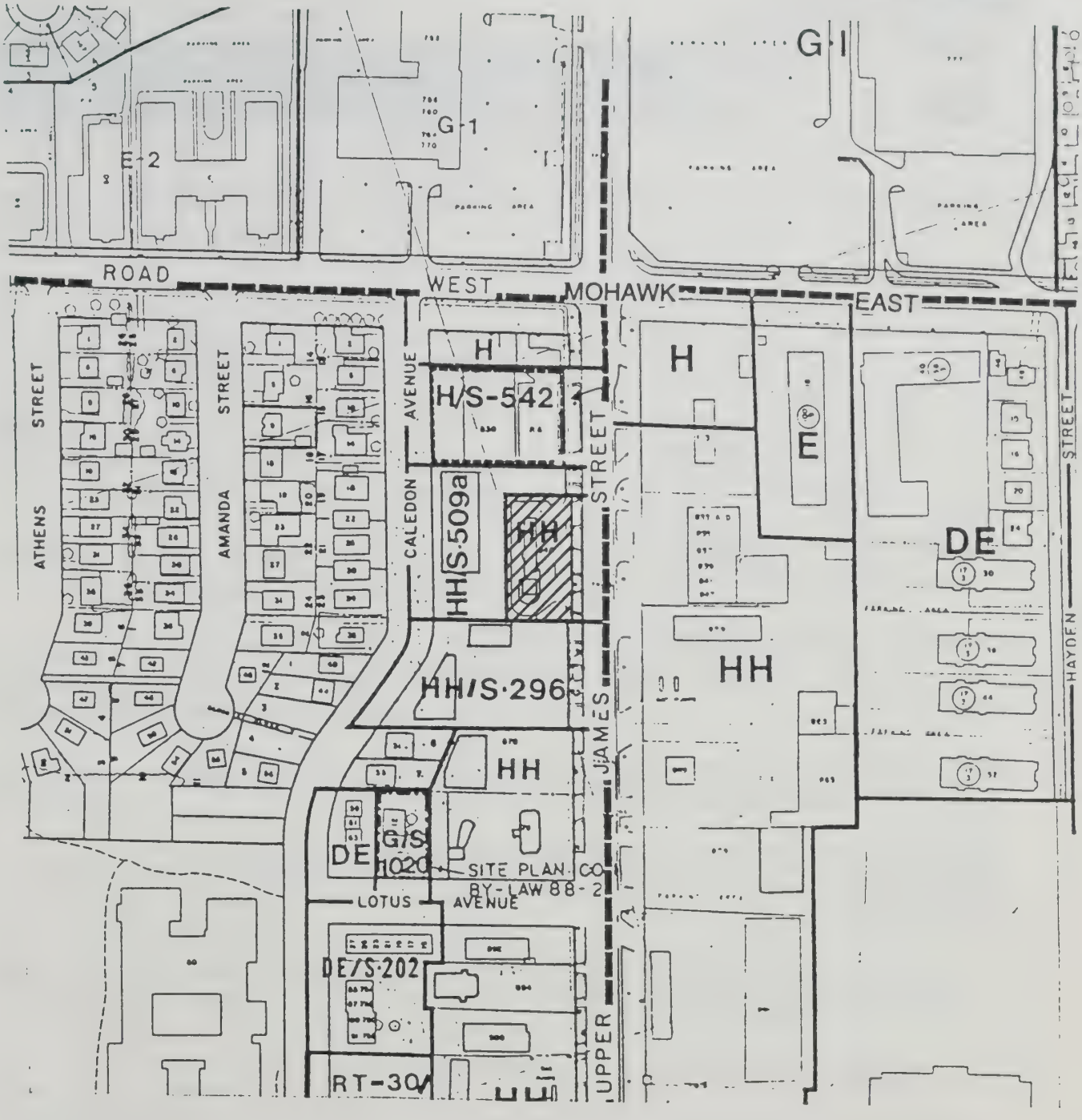
The subject lands are presently a vacant service station site and are presently covered with gravel with concrete barriers and curbing around the edge. Adjacent lands are developed with a commercial plaza. It is recognized that a third party/billboard sign is an interim use of these lands. No information is provided or required with respect to any landscape improvements on this site. There is potential, even on a temporary basis to improve/enhance this site with some landscaping (ie. shrubs/annuals/perennials) at the base in relation to the sidewalk traffic. The applicant has verbally agreed this would be done. On this basis, it is appropriate to include a condition of approval, that the applicant submit, to the satisfaction of the Director, Planning and Development Department, a landscape plan for temporary improvement on this property

CONCLUSION:

The proposed development is satisfactory subject to the above noted comments.

CLF/
DA-97-12

APPENDIX "A"



City of Hamilton

Plan Showing Lands Subject to

Site Plan Control Application DA-97-12

Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	Not to Scale	DA-97-12
	Date	Drawn By
	APRIL 1997	P.A.

APPENDIX "B"

BUILDING DEPARTMENT

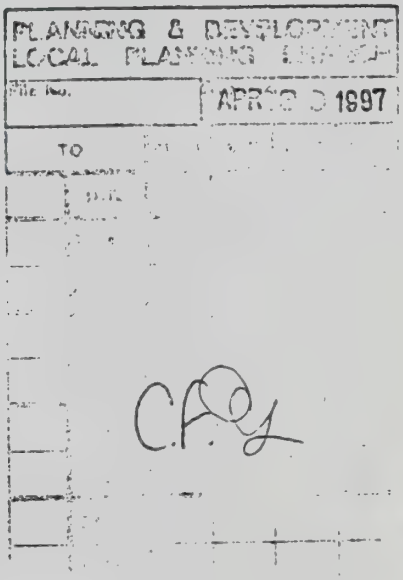
71 Main Street West, Hamilton, Ontario L8N 3T4
Telephone (905) 546-2720 / Fax (905) 546-2764

City of HAMILTON

FILE: DA-97-12
ATTENTION OF: F. Peter
TELEPHONE NO: (905) 546-2781

1997 April 29

PRESENT ZONING: HH



Mr. V. J. Abraham, M.C.I.P.
Director
Planning and Development Department
c/o Chief Administrative Office

Attention: Caroline Floroff

Dear Madam:

RE: DA-97-12
840 UPPER JAMES STREET

The above, under cover of your letter dated April 1, 1997, has been examined.

COMMENTS:

1. The third party/billboard sign shall have a minimum separation distance of 100m from any other third party/billboard sign.

2. The third party/billboard sign exceeds the maximum permitted 7.6m (24.93').

3. The proposed sign shall be a minimum of 36m from the residential district to the west.

4. The proposed lighting for the sign must be steady and suitably shielded to contain the illumination.

Yours truly

for the Building Commissioner

FP/zr

APPENDIX "C"

APR.22 1997

REGIONAL ENVIRONMENT DEPARTMENT

MEMORANDUM

****

TO: V.J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

YOUR FILE: DA-97-12

cf.

FROM: C. A. Unelli, C.E.T.
Development Co-ordinator
Regional Environment Department

OUR FILE: E220-1807
PHONE: (905) 546-4142

SUBJECT: **Site Plan Control Application**
DA-97-12 for 840 Upper James Street

DATE: 1997 April 21

As this Site Plan Application is for a proposed illuminated ground sign and as long as the applicant/owner is not intending to modify the existing drainage patterns of the site we have no comments with respect to grading.

The following comments have been received from the Region's Transportation Department, Roads Division.

(1) The designated road allowance width of Upper James Street is 36.58 m. In accordance with this designation, the applicant/owner should be advised of a 3.048 m road allowance widening at some future date.

(2) Any other works which may occur within the Upper James Street road allowance must conform to the Region of Hamilton-Wentworth Roads Use By-law.

If there are any queries with respect to the Roads Division comments please contact Mr. h. Groen at 546-4278.

Charles A. Unelli

Charles A. Unelli, C.E.T.
Development Co-ordinator

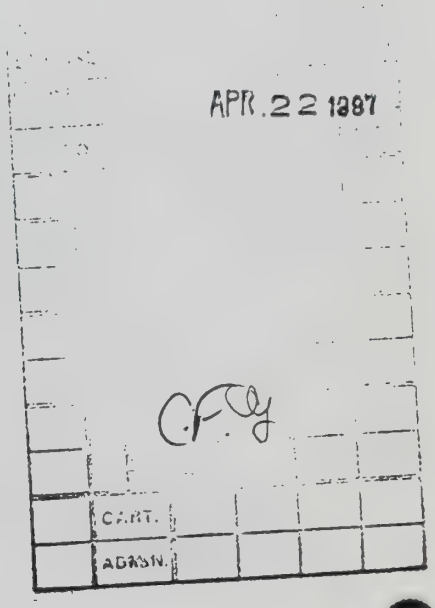
DWW/HG
DWW

APPENDIX "D"

DEPARTMENT OF PUBLIC WORKS AND TRAFFIC

City of HAMILTON

TRAFFIC DIVISION
1st Floor, 71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-4510 / Fax (905) 546-2419



1997 April 21

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attention: Mr. Paul Mallard

Dear Sir:

Re: DA 97-12
840 Upper James Street

In response to your letter of 1997 April 01, please be advised that we have reviewed the above application and have no comments.

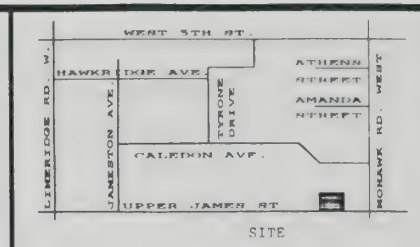
Yours truly,

Ed Switenky

for Roland Karl, P. Eng.
Manager of Traffic Planning

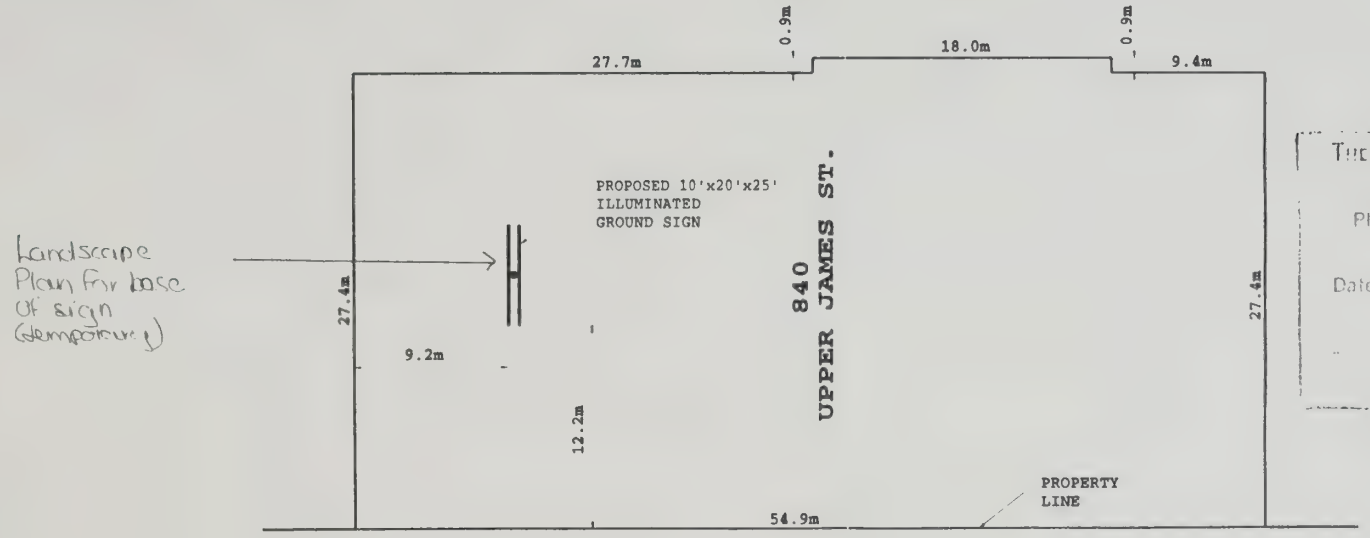
ES/kg

HAMILTON



KEY PLAN





Landscape Plan For base of sign (temporary)

THE [illegible] HAMILTON

Plan [illegible] issued pursuant to Section [illegible] of the Planning Act

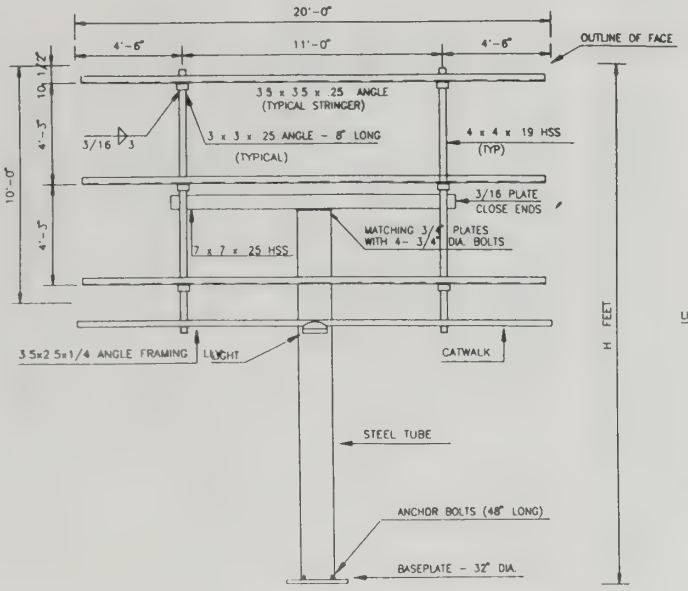
Date

[illegible] Secretary

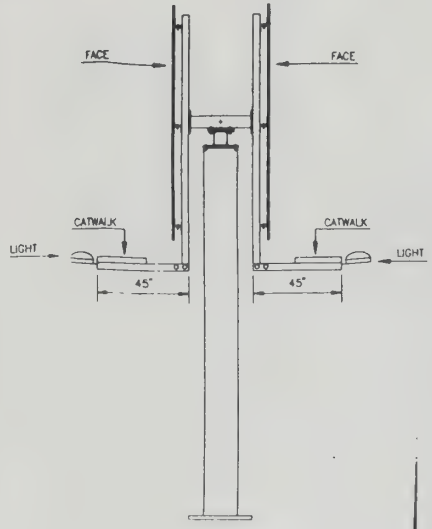
UPPER JAMES STREET

GOULD

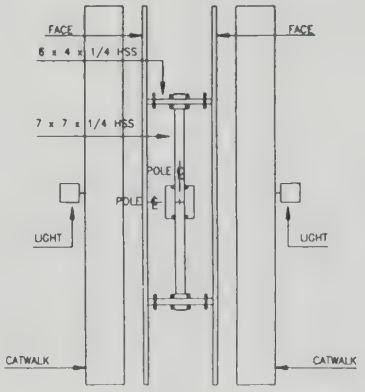
SITE: 840 UPPER JAMES STREET, HAMILTON, ONTARIO
DATE: MARCH 10, 1997
SCALE 1:300
DRAWN BY: G.C.



FRONT ELEVATION



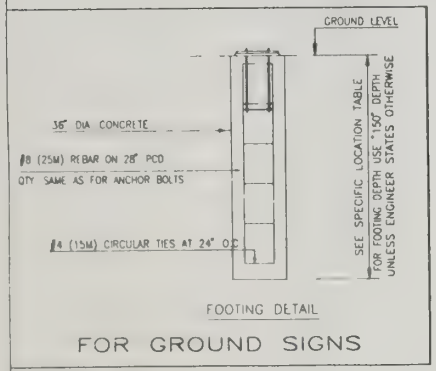
END ELEVATION



PLAN

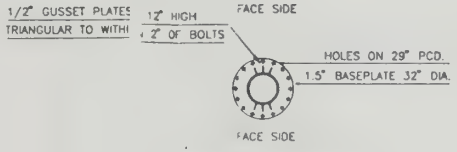
Date

Chairman Secretary



FOOTING DETAIL

FOR GROUND SIGNS



PLAN VIEW OF BASEPLATE

NOTES

1. STEEL REBAR .. DEFORMED 400MPa
2. STEEL HSS ..... 50 KSI YIELD
3. STEEL TUBE ..... 50 KSI YIELD
4. STEEL STRUCTURAL TO C.S.A. G40.21-44W
5. ANCHOR BOLTS 44 KSI YIELD
6. WELDING TO BE TO C.S.A. W59- 1989 & W47.1
7. FOOTING DESIGNED FOR NORMAL SOIL CONDITIONS WITH LATERAL BEARING PRESSURE OF 150 LB/SQ/FT PER FT. DEPTH DEPTH MAY BE REVISED ON INSPECTION BY ENGINEER CONSULT THE ENGINEER WHERE UNUSUAL SOIL CONDITIONS OCCUR
8. THE DESIGN OF 30 PSF WIND IS FOR URBAN & SUBURBAN AREAS WITHIN TORONTO AND AREAS WITH SIMILAR WIND & TERRAIN DATA CONSULT THE ENGINEER FOR APPROPRIATE DESIGN PRESSURES FOR OTHER LOCATIONS
9. BOLTS ..... ASTM A325 OR EQUAL
10. CONCRETE STRENGTH .. 30MPa AT 28 DAYS INSTALL TO CAN/CSA A23.1 &A23.2 - M90
11. DESIGN FOR ROOF SIGNS IS THE SAME AS SHOWN EXEPT THAT THE CONCRETE FOOTING DETAIL IS NOT REQUIRED AND THE POLE HEIGHT IS MEASURED ABOVE THE WELDMENT

SPECIFIC LOCATION	HEIGHT OF SIGN FEET	WIND PRESSURE 30 PSF				WIND PRESSURE 40 PSF			
		1.25" DIAM ANCHOR BOLTS	POLE DIAM INS.	150 FOOTING DEPTH FEET	250 FOOTING DEPTH FEET	1.25" DIAM ANCHOR BOLTS	POLE DIAM INS	150 FOOTING DEPTH FEET	250 FOOTING DEPTH FEET
	30	16	14x1/2	18.0	15.0	20	16x1/2	20.0	16.5
	29	16	14x3/8	18.0	15.0	20	16x1/2	20.0	16.5
	28	16	14x3/8	17.5	14.5	20	14x1/2	19.5	16.5
	27	16	14x3/8	17.5	14.5	20	14x1/2	19.5	16.0
	26	16	14x3/8	17.5	14.5	20	14x1/2	19.5	16.0
	25	16	14x3/8	17.0	14.0	16	14x1/2	19.0	16.0
	24	16	14x3/8	17.0	14.0	16	14x1/2	19.0	15.5
	23	16	14x3/8	16.5	14.0	16	14x3/8	18.5	15.5
	22	16	14x3/8	16.5	13.5	16	14x3/8	18.5	15.0
	21	16	14x1/4	16.5	13.5	16	14x3/8	18.0	15.0
	20	16	14x1/4	16.0	13.0	16	14x3/8	18.0	14.5
	19	16	14x1/4	16.0	13.0	16	14x3/8	17.5	14.5
	18	16	14x1/4	15.5	13.0	16	14x3/8	17.5	14.5

NOTE
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LEN MAILE
P.ENG STRUCTURAL ENGINEER
38 LONGBRIDGE RD THORNHILL ONTARIO L4J 1L5
TELEPHONE 905 881 3729 FAX 905 881-3431

10' x 20' DOUBLE FACE SIGN

23AUG95 | 1845-50

E.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 August 14

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Stella Glover, Acting Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: Authorization for Committee Member to Attend Either Community Heritage Ontario Conference or Heritage Canada Conference

RECOMMENDATION:

a) That the Chairperson of the Local Architectural Conservation Advisory Committee, or her designate, be authorized to attend either the Community Heritage Ontario Conference and Annual General Meeting in Victoria Harbour and Penetanguishene, Ontario, from 1997 September 26-28 or the Heritage Canada Conference in Ottawa, Ontario, from 1997 October 16-18; and,

b) That the Conference costs in the estimated amount of $500 be financed through the Legislative Travel Account No. CH 55201 10010.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: Stella Glover

Approximately $500 per delegate (including registration, travel and accommodation).

Funding is available in Legislative Travel Account No. CH 55201 10010.

BACKGROUND:

These Conferences will be of particular interest to LACAC members given their focus on heritage conservation and new alternative approaches to the inventorying of tangible and intangible heritage elements.

cc Nina Chapple, Planning and Development Department

F.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 August 14

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Secretary, LACAC Re: Minutes of the meeting held 1997 June 9, dated 1997 July 14

(b) Commissioner of Public Works and Traffic Re: Westdale Village business Improvement Area- Planters, dated 1997 June 27

(c) Director of Planning and Development Re: Quarterly report as at June 30th 1997, dated 1997 July 9

(d) Building Commissioner Re: Demolition of 314-320 Ottawa Street North, dated 1997 August 6

(e) Building Commissioner Re: Quarterly report as at June 30th 1997, dated 1997 August 14

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND: N/A


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25971
0 50505 25971 7
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